

Representative Hall, Atlanta, Georgia**Tuesday, March 11, 2014****Thirty-Sixth Legislative Day**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

| | | | | |
|----------------|-------------------|------------|-----------|------------------|
| Abrams | Cooke | Gravley | Maxwell | Sims, B |
| Alexander | Coomer | Greene | McCall | Smith, E |
| Allison | Cooper | Gregory | McClain | Smyre |
| E Anderson | E Dawkins-Haigler | Hamilton | Meadows | Spencer |
| Atwood | Deffenbaugh | Harbin | Mitchell | Stephens, M |
| Ballinger | Dempsey | Harden | Moore | Stephens, R |
| Barr | E Dickerson | Hatchett | Morgan | E Stephenson |
| Battles | Dickey | Hawkins | Morris | Stovall |
| Beasley-Teague | Dickson | Henson | Mosby | Stover |
| Bell | E Dollar | Hightower | Nimmer | Strickland |
| Bennett | Douglas | Hitchens | Nix | Tankersley |
| Bentley | Drenner | Holcomb | O'Neal | Tanner |
| Benton | Dudgeon | Holmes | Parrish | Tarvin |
| Black | Dukes | Holt | Parsons | Taylor, D |
| Braddock | Dunahoo | Houston | Peake | Taylor, T |
| Broadrick | Duncan | Howard | Pezold | Teasley |
| Brockway | Dutton | Hugley | Powell, A | Thomas, A.M. |
| Brooks | Efstration | Jackson | Powell, J | Turner |
| Bryant | Ehrhart | E Jacobs | Prince | Waites |
| Buckner | England | E Jasperse | Pruett | Watson, B |
| Burns | Epps, J | Jones, J | Ramsey | Watson, S |
| Caldwell, J | Evans | Jones, L | Randall | Welch |
| Caldwell, M | Fleming | Jones, S | Rice | E Weldon |
| Carson | Fludd | Kaiser | Riley | Wilkerson |
| Carter | Frazier | Kelley | Roberts | Wilkinson |
| Casas | Frye | E Kidd | Rogers, C | Willard |
| Chandler | Fullerton | Kirby | Rogers, T | Williams, A |
| Channell | Gardner | Knight | Rutledge | Williams, C |
| Chapman | Gasaway | Lindsey | Rynders | Williams, E |
| Cheokas | Geisinger | Lumsden | Scott | Williamson |
| Clark, J | Glanton | Mabra | E Setzler | Yates |
| Clark, V | Golick | Marin | Sharper | Ralston, Speaker |
| Coleman | Gordon | Martin | Shaw | |

The following members were off the floor of the House when the roll was called:

Representatives Beverly of the 143rd, Bruce of the 61st, Floyd of the 99th, Harrell of the 106th, Jordan of the 77th, Kendrick of the 93rd, Mayo of the 84th, Oliver of the 82nd, Sims of the 169th, Smith of the 134th, and Talton of the 147th.

They wished to be recorded as present.

Prayer was offered by Minister Brenda Martin Crawford, Lighthouse Community Center, Midway, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 138th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1145. By Representative Brockway of the 102nd:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, computation, and exemptions from state income taxation, so as to provide an exemption for corporate donors to student scholarship organizations; to provide for a short title; to amend Chapter 2A of Title 20 of the Official Code of Georgia Annotated, relating to student scholarship organizations, so as to create a new income tax exemption for student scholarship funding; to provide for corporate donations to student scholarship organizations; to

provide for procedures, conditions, and limitations; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1146. By Representatives Burns of the 159th and Hitchens of the 161st:

A BILL to be entitled an Act to amend an Act to reconstitute the board of education for the Effingham County School District, approved March 26, 1987 (Ga. L. 1987, p. 4596), as amended, so as to change the compensation for members of the board; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 1758. By Representatives Channell of the 120th and McCall of the 33rd:

A RESOLUTION honoring the life of Reverend G. L. Avery and dedicating a road in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1759. By Representative Barr of the 103rd:

A RESOLUTION renaming a road as Friendship Road; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the rules were suspended in order that the following Resolutions of the House could be introduced, read the first time and referred to the Committees:

HR 1802. By Representative Epps of the 144th:

A RESOLUTION honoring the life of Mr. Orace Lamar "Red" Brooks and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1803. By Representatives Setzler of the 35th, Carter of the 175th and Hamilton of the 24th:

A RESOLUTION creating the House Study Committee on Local Government Qualifications Based Selection for Professional Services; and for other purposes.

Referred to the Committee on Regulated Industries.

By unanimous consent, the following Bills and Resolution of the House were read the second time:

| | |
|---------|---------|
| HB 1133 | HB 1134 |
| HB 1135 | HB 1136 |
| HB 1137 | HB 1138 |
| HB 1139 | HB 1140 |
| HB 1141 | HB 1142 |
| HB 1143 | HB 1144 |
| HR 1724 | |

Representative Tankersley of the 160th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

| | | | |
|---------|---------|---------|------------------------|
| HB 1122 | Do Pass | HB 1123 | Do Pass |
| HB 1124 | Do Pass | HB 1126 | Do Pass |
| HB 1127 | Do Pass | HB 1128 | Do Pass |
| HB 1129 | Do Pass | HB 1130 | Do Pass |
| HB 1131 | Do Pass | HB 1132 | Do Pass, by Substitute |
| SB 393 | Do Pass | | |

Respectfully submitted,
/s/ Tankersley of the 160th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
TUESDAY, MARCH 11, 2014

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 36th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

- | | |
|---------|--|
| HR 1332 | House Study Committee on Compensating Wrongfully Convicted Persons; create (JudyNC-Hugley-136th) |
| SB 305 | Fire Protection and Safety; written notification prior to the denial of a permit; buildings/structures required to meet the state minimum fire safety standards (PS&HS-Powell-32nd) Tippins-37th |
| SB 320 | Veterans Court Divisions; create (D&VA-Willard-51st) Harbison-15th |
| SB 325 | Fire and Protection Safety; regulation of fire protection sprinkler contractors, fire extinguisher and suppression systems; provisions (Judy-Harrell-106th) Albers-56th |
| SB 333 | Natural Resources Dept.; establish that persons are not aggrieved by listings on the hazardous site inventory (NR&E-McCall-33rd) Tolleson-20th |
| SR 847 | Heritage Preserve; dedicated real property located in Rockdale and Henry Counties; authorize the change of use (SProp-Rutledge-109th) Jeffares-17th |
| SR 896 | Georgia Legacy Program; create Joint Study Committee (NR&E-Smith-70th) Tolleson-20th |

Modified Structured Rule

- | | |
|--------|--|
| SB 240 | Alcoholic Beverages; provide for the licensing of the production of distilled spirits; educational purposes by non-profit museums (Substitute)(RegI-Golick-40th) Hill-6th |
| SB 286 | Alcoholic Beverages; change the maximum percent by volume of wine; change definitions; authorize wineries to buy and use certain products (RegI-Harrell-106th) Murphy-27th |
| SB 288 | Education; provide no high school which receives funding under the "Quality Basic Education Act"; shall participate in/or sponsor interscholastic sport events conducted by any athletic association (Substitute)(B&FAO-Martin-49th) Bethel-54th |
| SB 296 | State Park Authority; revise the powers and responsibilities (NR&E-Hamilton-24th) Tolleson-20th |

Structured Rule

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

By unanimous consent, the following Bills of the House and Senate were taken up for consideration and read the third time:

HB 1122. By Representatives Evans of the 42nd, Ehrhart of the 36th, Parsons of the 44th, Morgan of the 39th, Smith of the 41st and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved May 7, 2013 (Ga. L. 2013, p. 4428), so as to change the compensation of the judges of the state court; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1123. By Representatives Ehrhart of the 36th, Setzler of the 35th, Carson of the 46th, Evans of the 42nd, Smith of the 41st and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the clerk of the superior court; to provide for an executive assistant and an executive secretary; to provide for the appointment, qualifications, and salaries of such positions; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1124. By Representatives Setzler of the 35th, Gregory of the 34th, Evans of the 42nd, Cooper of the 43rd, Golick of the 40th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved May 6, 2013 (Ga. L. 2013, p. 4234), so as to change the provisions relating to the corporate limits of the city; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1126. By Representatives Evans of the 42nd, Ehrhart of the 36th, Wilkerson of the 38th, Setzler of the 35th, Carson of the 46th and others:

A BILL to be entitled an Act to amend an Act creating the Cobb Judicial Circuit, approved February 19, 1951 (Ga. L. 1951, p. 184), as amended, particularly by an Act approved May 7, 2013 (Ga. L. 2013, p. 4435), so as to provide for a supplement to be paid to each of the judges of the superior court of such circuit and an additional supplement for the chief judge of such circuit; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1127. By Representatives Evans of the 42nd, Ehrhart of the 36th, Wilkerson of the 38th, Setzler of the 35th, Carson of the 46th and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, particularly by an Act approved May 12, 2008 (Ga. L. 2008, p. 3732), so as to change the compensation of the judge of the probate court; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1128. By Representatives Henson of the 86th, Drenner of the 85th, Holcomb of the 81st, Jacobs of the 80th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend an Act to reincorporate the City of Clarkston in the County of DeKalb, approved April 21, 1967 (Ga. L. 1967, p. 3391), as amended, so as to change the corporate limits of the city by annexing certain territory; to provide for related matters; to provide for a

referendum; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1129. By Representative Pezold of the 133rd:

A BILL to be entitled an Act to provide for a new charter for the City of Hamilton; to provide for incorporation, corporate boundaries, municipal powers, and exercise of powers; to provide for specific repealer; to provide an effective date; to provide a general repealer; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1130. By Representatives Drenner of the 85th, Henson of the 86th, Holcomb of the 81st, Jacobs of the 80th, Bennett of the 94th and others:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Avondale Estates, approved April 23, 1999 (Ga. L. 1999, p. 4886), as amended, so as to change the corporate limits of the city; to provide for a referendum; to provide for related matters; to provide for automatic repeal and a contingent effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1131. By Representatives Rogers of the 29th, Dunahoo of the 30th, Hawkins of the 27th and Barr of the 103rd:

A BILL to be entitled an Act to create a board of elections and registration for Hall County and to provide for its powers and duties; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1132. By Representatives Rogers of the 29th, Hawkins of the 27th, Dunahoo of the 30th and Barr of the 103rd:

A BILL to be entitled an Act to create the Gainesville Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility and authority to promote tourism, conventions, and trade shows in the City of Gainesville, Georgia; to provide for the creation and organization of the authority; to provide for the appointment of the directors of the authority and their terms of office, compensation, and qualifications; to provide for meetings; to provide for legislative findings and declaration of purpose; to provide for general powers; to provide for regulations; to provide for other matters relative to the foregoing and relative to the general purposes of this Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To create the Gainesville Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility and authority to promote tourism, conventions, and trade shows in the City of Gainesville, Georgia; to provide for the creation and organization of the authority; to provide for the appointment of the directors of the authority and their terms of office, compensation, and qualifications; to provide for meetings; to provide for legislative findings and declaration of purpose; to provide for general powers; to provide for regulations; to provide for other matters relative to the foregoing and relative to the general purposes of this Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Short title.

This Act shall be known and may be cited as the "Gainesville Convention and Visitors Bureau Authority Act."

SECTION 2.

Definitions.

As used in this Act, the term:

- (1) "Area" means the corporate limits of the City of Gainesville, Georgia.
- (2) "Authority" means the Gainesville Convention and Visitors Bureau Authority.

- (3) "Board" means the board of directors of the Gainesville Convention and Visitors Bureau Authority.
- (4) "City" means the City of Gainesville, Georgia.
- (5) "Special events" means events which, in the judgment of the authority, will promote tourism in the area or privately contracted functions.

SECTION 3.

Creation of authority, status, tax exemption, and sovereign immunity.

- (a) There is created a public body corporate and politic to be known as the Gainesville Convention and Visitors Bureau Authority. The authority shall be deemed to be a political subdivision of the state and a public corporation and, by that name, may contract and be contracted with, sue and be sued, implead and be impleaded, and bring and defend actions. The authority shall be a convention and visitors bureau authority created by Act of the General Assembly for a municipality for the purposes of Code Section 48-13-51 of the O.C.G.A. and is intended to be an agency and instrumentality of the municipality and a governmental unit for purposes of Sections 103, 141, and 150 of the federal Internal Revenue Code of 1986, as amended, and, as to the municipality, the authority is intended to be a subordinated entity for the purposes of Section 265(b)(3)(E)(ii) of the federal Internal Revenue Code of 1986, as amended. The authority shall not be a state institution nor a department or agency of the state but shall be a creation of the state, having a distinct corporate identity and being exempt from the provisions of Code Section 50-17-2 of the O.C.G.A., the "Georgia State Financing and Investment Commission Act."
- (b) The authority shall have its principal office within the City of Gainesville and its legal situs or residence for the purposes of this Act shall be the City of Gainesville, Hall County, Georgia.
- (c) The exercise of the powers conferred upon the authority in this Act shall constitute an essential governmental function for a public purpose. The properties of the authority, both real and personal, and the income of the authority are declared to be public properties, and income used for the benefit and welfare of the people of the city and not for the purpose of private or corporate benefit; and such properties, to the extent of the authority's ownership thereof or other interest therein, and all income and obligations of the authority shall be exempt from all taxes and special assessments of the state or any city, county, or other political subdivision thereof. The authority shall have all of the exemptions and exclusions from taxes as are now granted to cities and counties for the operation of properties or facilities similar to the properties and facilities to be owned or operated, or both, by the authority.
- (d) The authority shall have the same immunity and exemption from liability for torts and negligence as the state, and the officers, agents, and employees of the authority, when in performance of work of the authority, shall have the same immunity and exemption from liability for torts and negligence as officers, agents, and employees of the State of Georgia. The authority may be sued the same as private corporations on

any contractual obligation of the authority. Any action to protect or to enforce any rights pursuant to the provisions of this Act or any suit or action against the authority shall be brought in the Superior Court of Hall County, Georgia. The property of the authority shall not be subject to levy and sale under legal process. The records of the authority shall be public records which are subject to Article 4 of Chapter 18 of Title 50 of the O.C.G.A. Nothing in this Act shall be construed to abridge or change the powers and duties of other authorities, departments, boards, and like agencies of the city.

SECTION 4.

Directors and meetings.

(a) The board shall consist of at least seven directors, who shall be natural persons at least 18 years of age. The members of the board shall be appointed by the mayor and council of the city and shall be eligible to succeed themselves for a maximum of three consecutive terms. The members of the board shall serve terms of two years, except for the initial establishment of the board when three of the seven members shall serve terms of three years. Appointments shall be made so that representation on the board shall always include at least the following:

- (1) Hotels and motels, two members;
- (2) Restaurants and food establishments, one member;
- (3) Attractions, two members;
- (4) The director of the Gainesville Parks and Recreation Agency, one member; and
- (5) The city manager of the City of Gainesville, one member.

Members shall receive no compensation for their services as members of the authority, but shall be reimbursed for their proper and reasonable expenses incurred in the performance of their duties, subject to any limitations imposed by general law on the reimbursement of public officials and subject to any limitations which may be contained in the bylaws of the authority.

(b) The board shall meet at such times as may be necessary to transact the business coming before it, but not less often than twice yearly. Either the chairperson or any two other directors together may call a special meeting of the board. Meetings of the board shall be open to the public in accordance with the laws of the State of Georgia. Written minutes of all meetings shall be kept; and, within 30 days following every meeting, a copy of the minutes shall be furnished to the mayor and council of the city. Meetings shall be conducted in accordance with the latest version of *Robert's Rules of Order*.

(c) At the first meeting of the board, and thereafter subsequently to yearly new appointments, the directors shall elect a chairperson and a vice chairperson from their voting members. The chairperson shall preside at meetings of the board and shall vote on all matters coming before the board. The vice chairperson shall preside at meetings in the absence of the chairperson. In the absence of both the chairperson and vice chairperson, the directors present at a meeting shall elect a temporary chairperson to preside at that meeting, so long as the chairperson and vice chairperson both remain absent from the meeting. A quorum shall consist of at least four directors of the board.

All directors present at a meeting, including the chairperson, vice chairperson, or any other director presiding at such meeting, shall be entitled to vote on all matters which shall come before the board. No vacancy on the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

SECTION 5.

Purpose.

The purpose of the authority is to promote special events as well as to promote tourism, conventions, and trade shows within the area in such manner or manners contemplated by paragraph (4) of subsection (a) of Code Section 48-13-51 of the O.C.G.A. or any other applicable paragraph of such Code section.

SECTION 6.

Duties.

It shall be the duty of the authority to promote special events as well as to promote tourism, conventions, and trade shows within the area and to operate the authority and its facilities in a fiscally responsible manner.

SECTION 7.

Powers.

(a) The authority shall have all powers allowed by law and consistent with the provisions of this Act as are necessary or convenient to carry out its corporate purpose, including, without limitation, the power to:

- (1) Adopt and alter a corporate seal;
- (2) Purchase advertising promoting special events and promoting tourism, conventions, and trade shows;
- (3) Encourage, solicit, promote, procure, sponsor, cosponsor, and service conventions, trade shows, and special events;
- (4) Lend financial support through grants, contributions, or otherwise to other governmental entities in furtherance of its corporate purpose after approval by a majority vote of the city council;
- (5) Lend financial support through grants, contributions, or otherwise to private sector, for profit, and nonprofit entities in furtherance of its corporate purpose after approval by a majority vote of the city council, provided that the authority determines that the residents of the area shall receive a substantial benefit therefrom;
- (6) Conduct activities to foster a better public understanding on the part of individuals and businesses of the importance of tourism and the convention and visitors industry to the economy of the city and of the area;

- (7) Conduct activities to encourage and to assist the cooperation between the businesses and industries servicing tourists, conventions, trade shows, and special events;
- (8) Engage in fundraising activities in furtherance of its corporate purpose;
- (9) Appoint an advisory committee and other committees of persons from the public and private sectors without regard to their places of residence;
- (10) Make contracts of every kind and character with, and without limitation, any and all persons, firms, and corporations and the state and any and all political subdivisions, departments, institutions, or agencies of the state are authorized to enter into contracts, leases, or agreements with the authority upon such terms and for such purposes as they deem advisable; and, without limiting the generality of the above, the authority and the city shall be permitted to enter into the following:
 - (A) Contracts under which hotel-motel taxes collected by the city are paid to and expended by the authority as contemplated by paragraph (4) of subsection (a) of Code Section 48-13-51 of the O.C.G.A. or any other applicable provision under such law;
 - (B) Contracts under which the authority purchases administrative and financial management services from the city to be performed by personnel at the city's cost, which shall include the costs of payroll, employee benefits, supplies, and overhead reasonably allocable to the performance of such services; and
 - (C) Lease contracts relating to leases of real property, personal property, or both real and personal property;
- (11) Accept grants of money or materials or property of any kind from the United States or any agency or instrumentality thereof upon such terms and conditions as the United States or such agency or instrumentality may impose;
- (12) Accept grants of money or materials or property of any kind from the State of Georgia or any agency or instrumentality or political division thereof upon such terms and conditions as the State of Georgia or such agency or instrumentality or political subdivision may impose;
- (13) Sue and be sued in contract and in tort and complain and defend in all courts;
- (14) Advise and recommend plans to other public and private sector entities for the promotion of tourism, conventions, trade shows, and special events;
- (15) Conduct studies and develop plans for improving tourism in the area;
- (16) Receive and disburse public funds appropriated by the city, including, but not limited to, revenues derived from hotel-motel taxes collected by the city; and receive and disburse funds from private sources and other revenues which may be received from time to time which would assist in the accomplishment of its corporate purpose; and
- (17) Do all things necessary or convenient to accomplish its corporate purposes and to exercise any power permitted by the laws of this state to be exercised by private corporations which will further the authority's ability to accomplish such purpose, so long as the exercise of such power is not in conflict with the Constitution or laws of this state.

(b) The powers enumerated in each paragraph of subsection (a) of this section are cumulative of and in addition to those powers enumerated in other paragraphs of subsection (a) of this section and any other powers elsewhere in this Act or which may be reasonably inferred from the provisions of this Act.

SECTION 8.

Bylaws.

The authority may, by affirmative vote of a majority of all directors, adopt and amend bylaws to govern the authority, its employees, and operation.

SECTION 9.

Budget.

The authority shall prepare an annual budget to be submitted to the city and shall file all appropriate expenditure reports with the city and the state.

SECTION 10.

Liability limited.

Neither the directors of the authority nor any person executing notes, leases, or other agreements or obligations on behalf of the authority shall be personally liable thereon by reason of such execution.

SECTION 11.

City not bound.

The authority shall have no power or authority to bind the city by any contract, agreement, financial obligation, indebtedness, or otherwise; and no contract, agreement, financial obligation, or indebtedness incurred by the authority shall ever be a claim or charge against the city; provided, however, that both the authority and the city shall be bound to each other by contracts, agreements, financial obligations, or indebtedness between themselves.

SECTION 12.

Oversight.

The city council shall be authorized to inspect at its pleasure the state and condition of the authority, its properties, and all books and records pertaining to the authority and its affairs, and the authority shall give it such books and records and furnish it with assistance in making such inspections.

SECTION 13.

Dissolution.

Should the authority, for any reason, be dissolved after full payment of all indebtedness previously incurred, both as to principal and interest, title to all property of any kind and nature, real and personal, held by the authority at the time of such dissolution shall be conveyed to the city; or title to any such property may be conveyed prior to such dissolution in accordance with provisions which may be made therefor in any resolution or trust instrument relating to such property, subject to any liens, leases, or other encumbrances outstanding against or in respect to such property at the time of such conveyance.

SECTION 14.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 15.

Repealer.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

SB 393. By Senator Gooch of the 51st:

A BILL to be entitled an Act to amend an Act creating the Lumpkin County Water and Sewerage Authority, approved March 21, 1984 (Ga. L. 1984, p. 4500), as amended, so as to provide that the chairperson of the board of commissioners shall maintain a position on the authority; to provide for nomination and approval of designees of the chairperson of the board and the chairperson of the development authority; to provide for procedures; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

| | | | | |
|-------------|-------------------|------------|-----------|------------|
| Y Abrams | Y Coomer | Gregory | Y McCall | Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | E Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |

| | | | | |
|------------------|---------------|-------------|-------------|------------------|
| E Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | E Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | E Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Peake | Y Tanner |
| Y Broadrick | Y Efstration | Y Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Bruce | Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | E Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | Y Lindsey | Y Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Golick | Y Marin | E Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | E Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the passage of the Bills, the ayes were 158, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

The following message was received from the Senate through Mr. Cook, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the House:

HB 292. By Representative Battles of the 15th:

A BILL to be entitled an Act to amend Article 5 of Chapter 25 of Title 47 of the Official Code of Georgia Annotated, relating to benefits under the

Magistrates Retirement Fund of Georgia, so as to establish the maximum average final monthly compensation calculated in determining benefits; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 495. By Representatives Hill of the 22nd, Neal of the 2nd and Greene of the 151st:

A BILL to be entitled an Act to amend Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to the State Properties Code, so as to modify provisions related to conveyances of state property and consideration of conveyances by the General Assembly; to facilitate and increase reliability of state property conveyances; to provide for consideration of conveyances by committees of the General Assembly outside of the regular legislative session; to modify provisions related to public bidding of state property; to authorize the commission to manage the utilization of administrative space by the Georgia Department of Labor; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 843. By Representatives Riley of the 50th, Battles of the 15th, Greene of the 151st, Maxwell of the 17th, Buckner of the 137th and others:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to change certain provisions to ensure compliance with federal laws and regulations; to change provisions relative to maximum allowable benefits; to provide that certain employees shall have no right to receive as cash certain employer paid employee contributions; to repeal conflicting laws; and for other purposes.

HB 898. By Representatives Pak of the 108th and Chandler of the 105th:

A BILL to be entitled an Act to amend Titles 39 and 49 of the O.C.G.A., relating to minors and social services, respectively, so as to repeal the Interstate Compact on Juveniles enacted in 1972 in Title 39 and enact a new Interstate Compact for Juveniles in Title 49; to amend Code Section 15-11-10 and Title 49 of the Official Code of Georgia Annotated, relating to the exclusive original jurisdiction of juvenile courts and social services, respectively, so as to correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 911. By Representatives Ballinger of the 23rd, Golick of the 40th, Oliver of the 82nd, Pak of the 108th, Quick of the 117th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to assault and battery, so as to add provisions regarding strangulation as an aggravated assault; to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to fix cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 985. By Representatives Kirby of the 114th, Lindsey of the 54th, Oliver of the 82nd, Williamson of the 115th, Teasley of the 37th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to change provisions relating to filing false liens or encumbrances against public employees; to expand the protection against the filing of false liens to all citizens; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed by substitute, by the requisite constitutional majority, the following bills of the House:

HB 60. By Representative Holt of the 112th:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by retired judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 770. By Representatives Efstoration of the 104th, Pak of the 108th, Ballinger of the 23rd, Lindsey of the 54th and Cooper of the 43rd:

A BILL to be entitled an Act to amend Chapter 7 of Title 16 of the Official Code of Georgia Annotated, relating to damage to and intrusion upon property, so as to create the crime of home invasion; to provide for a definition; to provide for penalties; to repeal conflicting laws; and for other purposes.

HB 838. By Representatives Tanner of the 9th, Golick of the 40th, Ramsey of the 72nd, Powell of the 171st, Hamilton of the 24th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to invasions of privacy, so as

to prohibit the transmission of photography or video depicting nudity or sexually explicit conduct of an adult under certain circumstances; to provide for definitions; to provide for penalties; to provide for venue; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

HB 215. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts, so as to change provisions relating to filings in the clerk's office; to increase fees for certain filings; to change provisions relating to office hours; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 418. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to provide a new charter for the City of Chickamauga in Walker County, Georgia; to provide for other matters relative to the foregoing; to provide for severability; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Rogers of the 10th, Jones of the 62nd, Rynders of the 152nd et al., Jackson of the 128th, Stovall of the 74th, Clark of the 89th et al., Nimmer of the 178th et al., Channell of the 120th, Kaiser of the 59th et al., and Geisinger of the 48th et al.

Pursuant to HR 1452, the House commended the Georgia Peach Festival and the 2013 Georgia Peach Queens and invited them to be recognized by the House of Representatives.

Under the general order of business, established by the Committee on Rules, the following Bills of the Senate were taken up for consideration and read the third time:

SB 320. By Senators Harbison of the 15th, Hill of the 6th, Dugan of the 30th, Hill of the 4th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 15 of the O.C.G.A., relating to general court provisions, so as to create veterans court divisions; to amend Code Section 35-3-37 of the O.C.G.A., relating to review of an individual's criminal history record information, definitions, privacy considerations, written application requesting review, and inspection, so as to restrict access to records of individuals who successfully complete a veterans court program; to amend Article 3A of Chapter 5 of Title 40 of the O.C.G.A., relating to suspension of license for certain drug offenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|----------------|
| Y Abrams | Y Coomer | N Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | E Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | N Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | E Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | E Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Y Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |

| | | | | |
|------------|-----------|-----------|-----------|------------------|
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | E Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the passage of the Bill, the ayes were 168, nays 2.

The Bill, having received the requisite constitutional majority, was passed.

SB 333. By Senators Tolleson of the 20th, Ginn of the 47th, Davis of the 22nd and Golden of the 8th:

A BILL to be entitled an Act to amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to permit applications and appeals procedures relative to laws enforced by the Environmental Protection Division of the Department of Natural Resources, so as to establish that persons are not aggrieved by listings on the hazardous site inventory that occur after a certain date; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|----------------|
| Y Abrams | Y Coomer | N Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | N Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | N Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstrotation | Y Jackson | Y Pezold | N Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |

| | | | | |
|------------|-------------|------------|-------------|------------------|
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| N Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the passage of the Bill, the ayes were 169, nays 5.

The Bill, having received the requisite constitutional majority, was passed.

SB 305. By Senators Tippins of the 37th, Hill of the 4th, Hufstetler of the 52nd, Tolleson of the 20th, Crosby of the 13th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, so as to provide that written notification and an opportunity to remedy be given prior to the denial of a permit or request for a certificate of occupancy or certificate of completion or the issuance of a stop-work order with regard to buildings or structures required to meet the state minimum fire safety standards; to provide for definitions; to provide for an exception; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|------------|---------------|
| Y Abrams | Y Coomer | Y Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |

| | | | | |
|---------------|--------------|------------|-------------|------------------|
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Y Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the passage of the Bill, the ayes were 173, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

SB 240. By Senator Hill of the 6th:

A BILL to be entitled an Act to amend Article 1 of Chapter 9 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of alcoholic beverages by passenger carriers, nonprofit organizations, and hotels and motels, so as to provide for the licensing of the production of distilled spirits for educational purposes by non-profit museums; to create a definition of non-profit museum; to provide a permit fee; to provide limitations of such permits; to waive certain alcohol tax and bond requirements for non-profit museums; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to provide for the licensing of the production of distilled spirits for educational purposes by certain nonprofit museums; to provide a definition; to provide for an annual occupational license tax; to provide for limitations of the nonprofit distiller license; to authorize complimentary samples of the distilled spirits produced by a

nonprofit museum; to provide that no bond shall be required for an application for a nonprofit distiller license; to provide for the maximum license fee that may be charged for a nonprofit distiller license; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising Code Section 3-4-22, relating to bonds required for application for or renewal of licenses, amount, and multiyear bonds, as follows:

"3-4-22.

(a) All applicants for all licenses issued pursuant to this chapter shall file with the commissioner, along with each initial application, a bond:

(1) Conditioned to pay all sums which may become due by the applicant to this state as taxes, license fees, or otherwise, arising out of the operation of the business for which licensure is sought; and

(2) Conditioned to pay all penalties which may be imposed upon the applicant for failure to comply with the laws and rules and regulations pertaining to distilled spirits.

The surety for the bonds shall be a surety company licensed to do business in this state, and the bonds shall be in such form as may be required by the commissioner and may be for a term of up to five calendar years.

(b) The bonds shall be in the following calendar year amounts:

(1) For distillers and manufacturers, \$10,000.00;

(2) For wholesale dealers and importers, \$5,000.00; and

(3) For retail dealers and brokers, \$2,500.00.

(c) All applicants for annual renewal of licenses issued pursuant to this chapter, other than retail licenses, shall ~~must~~ file an annual bond or have a multiyear bond on file with the department that extends at least through the end of the calendar year for which renewal is sought. Such bonds ~~must~~ shall meet the same conditions as those filed with the initial application."

SECTION 2.

Said title is further amended by adding a new Code section to read as follows:

"3-9-7.

(a) As used in this Code section, the term 'nonprofit museum' means a museum whose mission includes educating the public about the local, state, and national history of the United States and that is owned and operated by a bona fide nonprofit civic organization which holds title to improved real property with a structure listed on the National Register of Historic Places.

(b) Notwithstanding any other provision contained in this title or any other law, the commissioner may issue a nonprofit distiller license to a nonprofit museum, regardless of whether or not such nonprofit museum holds an annual license to sell malt

beverages, wine, or distilled spirits for consumption on the premises, upon the filing of an application and payment of an annual occupational license tax of \$100.00. Such nonprofit distiller license shall entitle the nonprofit museum to produce distilled spirits, provided that:

- (1) The nonprofit museum shall not produce more than 800 liters of distilled spirits each calendar year;
 - (2) The nonprofit museum is located in a county or municipality where the production of distilled spirits is authorized, and the local governing authority of such county or municipality has issued a license to the nonprofit museum pursuant to Code Section 3-3-2 for the production of distilled spirits;
 - (3) The production of distilled spirits, except as otherwise provided in this Code section, shall be used for educational purposes only;
 - (4) The distilled spirits produced by the nonprofit museum shall be stored and aged only on the premises of the nonprofit museum for which the nonprofit distiller license has been issued and shall not be removed from such premises except through disposal methods consistent with federal and state law and any applicable rules or regulations promulgated thereunder; and
 - (5) The distilled spirits produced by the nonprofit museum shall only be used on the premises of the nonprofit museum for which the nonprofit distiller license has been issued and only to provide samples pursuant to subsection (c) of this Code section. Such distilled spirits shall not be sold or offered for sale by the nonprofit museum to any person or entity.
- (c) The nonprofit distiller license shall authorize the nonprofit museum to provide not more than one-half of one ounce as a complimentary sample of the distilled spirits produced at the nonprofit museum to a guest who has completed an educational tour of the distillery at the nonprofit museum and is of legal drinking age; provided, however, that the nonprofit museum shall not impose a separate charge for the sample and shall not provide, directly or indirectly, more than one sample to a guest in a calendar day. Such sample shall be provided in a designated tasting area on the premises of the nonprofit museum for which the nonprofit distiller license has been issued, and all open bottles shall be visible at all times.
- (d) No bond shall be required to be filed with the commissioner for the initial application or the annual renewal application of a nonprofit distiller license.
- (e) The annual license fee to be charged by a county or municipality for a nonprofit distiller license shall not be more than \$100.00 for each license."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abrams | Coomer | Y Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| N Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | E Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | N Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | N Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Bentley | Y Dudgeon | Y Holmes | Y O'Neal | N Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | N Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | N Dutton | Y Hugley | Peake | Y Tanner |
| Y Broadrick | Y Efstration | N Jackson | Y Pezold | N Tarvin |
| N Brockway | Ehrhart | Y Jacobs | Y Powell, A | N Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | N Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | N Gasaway | E Lindsey | Y Rutledge | Y Willard |
| N Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 151, nays 13.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

SB 296. By Senators Tolleson of the 20th, Ginn of the 47th, Ligon, Jr. of the 3rd, Henson of the 41st and Carter of the 1st:

A BILL to be entitled an Act to amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Jekyll Island—State Park Authority, so as to revise the powers and responsibilities of the authority; to define terms; to revise the components of the master plan; to clarify development powers and restrictions for the authority; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abrams | Y Coomer | N Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | N Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Y Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the passage of the Bill, the ayes were 169, nays 2.

The Bill, having received the requisite constitutional majority, was passed.

By unanimous consent, the following Bill and Resolution of the Senate were postponed until tomorrow:

SB 286. By Senators Murphy of the 27th, Gooch of the 51st, Ginn of the 47th, Miller of the 49th, Wilkinson of the 50th and others:

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change the maximum percent by volume of wine to that which is currently allowed under federal law; to change the definition of certain terms; to authorize wineries to buy and use certain products to manufacture particular types of wine; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SR 896. By Senators Tolleson of the 20th, Jeffares of the 17th and Harper of the 7th:

A RESOLUTION creating the Joint Study Committee on the Georgia Legacy Program; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills and Resolutions of the House and Senate were taken up for consideration and read the third time:

SB 325. By Senators Albers of the 56th, Carter of the 1st, Hufstetler of the 52nd and Ligon, Jr. of the 3rd:

A BILL to be entitled an Act to amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, so as to change provisions related to regulation of fire protection sprinkler contractors and fire extinguishers and suppression systems; to provide for changes to cease and desist orders; to provide for written notices; to change provisions relating to additional grounds for revocation or suspension of licenses; to provide for penalties; to provide for a civil action to enjoin violations of such provisions, rules, regulations, or orders issued by the Commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abrams | Y Coomer | N Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatcher | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstoration | Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the passage of the Bill, the ayes were 169, nays 1.

The Bill, having received the requisite constitutional majority, was passed.

HR 1332. By Representatives Hugley of the 136th, Talton of the 147th, Smyre of the 135th and England of the 116th:

A RESOLUTION creating the House Study Committee on Compensating Wrongfully Convicted Persons; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abrams | Y Coomer | N Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | N Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | N Morris | N Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | Y Dollar | N Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | O'Neal | N Stover |
| N Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| N Braddock | N Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Y Jackson | Y Pezold | N Tarvin |
| Y Brockway | Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | N Teasley |
| Y Bryant | Y Epps, J | Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | N Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| N Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | N Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the adoption of the Resolution, the ayes were 156, nays 14.

The Resolution, having received the requisite constitutional majority, was adopted.

SR 847. By Senators Jeffares of the 17th, Tolleson of the 20th, Jones of the 10th and Ramsey, Sr. of the 43rd:

A RESOLUTION authorizing the change of use of certain Heritage Preserve dedicated real property located in Rockdale and Henry Counties; to repeal conflicting laws; to provide an effective date; and for other purposes.

The report of the Committee, which was favorable to the adoption of the Resolution, was agreed to.

On the adoption of the Resolution, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abrams | Y Coomer | Y Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatcher | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Y Ehrhart | Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the adoption of the Resolution, the ayes were 170, nays 0.

The Resolution, having received the requisite constitutional majority, was adopted.

SB 288. By Senators Bethel of the 54th, Mullis of the 53rd, Tippins of the 37th, Harper of the 7th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," so as to provide that no high school which receives funding under the "Quality Basic Education Act" shall participate in or sponsor interscholastic sports events conducted by any athletic association unless the association releases annual financial reports; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for the creation of the High School Athletics Overview Committee; to provide for its composition, powers, and duties; to provide for reports; to provide for performance criteria; to provide for expenditure of funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to certain programs and activities under the "Quality Basic Education Act," is amended by adding a new Code section to read as follows:

"20-2-316.2.

(a) As used in this Code section, the term 'athletic association' means any association of schools or any other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body for interscholastic athletic events in which public schools in this state participate.

(b) No high school which receives funding under this article shall participate in, sponsor, or provide coaching staff for interscholastic sports events which are conducted under the authority of, conducted under the rules of, or scheduled by any athletic association unless such athletic association annually publishes and provides to its members a financial report of its activities for the preceding calendar year or fiscal year, if different from the calendar year, within 90 days after the end of such calendar

year or fiscal year. Such report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses for such calendar year or fiscal year."

SECTION 1A.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising Article 32, which was formerly reserved, to read as follows:

"ARTICLE 32

20-2-2100.

(a) There is created as a joint committee of the General Assembly the High School Athletics Overview Committee to be composed of five members of the House of Representatives appointed by the Speaker of the House, one of whom shall be a member of the minority party; five members of the Senate appointed by the Lieutenant Governor, one of whom shall be a member of the minority party; the chairperson of the House Committee on Education or his or her designee; and the chairperson of the Senate Education and Youth Committee or his or her designee. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The Speaker of the House of Representatives and the Lieutenant Governor shall each designate a cochairperson from among the appointees of their respective houses. The cochairpersons shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of cochairperson of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of high school athletic associations, as defined in subsection (c) of this Code section.

(b) No high school which receives funding under Article 6 of this chapter shall participate in, sponsor, or provide coaching staff for interscholastic sports events which are conducted under the authority of, conducted under the rules of, or scheduled by any high school athletics association unless such association complies with the provisions of this article.

(c) As used in this Code section, the term 'committee' means the High School Athletics Overview Committee, and the term 'high school athletic association' means any association of schools or any other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body for interscholastic athletic events in which public high schools in this state participate.

20-2-2101.

The Department of Education, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties set forth in this article. The committee may employ staff and may secure

the services of consultants as appropriate and subject to available funding. Upon authorization by joint resolution of the General Assembly, the committee shall have the power while the General Assembly is in session or during the interim between sessions to request the attendance of witnesses and the production of documents in aid of its duties. In addition, when the General Assembly is not in session, the committee shall have the power to request the attendance of witnesses and the production of documents in aid of its duties, upon application of the cochairpersons of the committee, with the concurrence of the Speaker of the House and the Senate Committee on Assignments.

20-2-2102.

All high school athletic associations in this state shall cooperate with the committee, its authorized personnel, the Attorney General, the Department of Education, and other state agencies in order that the charges of the committee may be timely and efficiently discharged. The associations shall submit to the committee such reports and data as the committee shall reasonably require in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the associations. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the high school athletic associations, as set forth in this article.

20-2-2103.

In the discharge of its duties, the committee shall evaluate the performance of high school athletic associations consistent with the following criteria:

- (1) Fairness and equity in establishing and implementing its standards; and
- (2) The promotion of academic achievement and good sportsmanship.

20-2-2104.

(a) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff, paying for services of consultants, and paying all other necessary expenses incurred by the committee in performing its duties.

(b) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abrams | Y Coomer | N Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | N Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | N Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| Y Beasley-Teague | Y Dollar | Y Hightower | Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Y Holmes | Y O'Neal | Y Stover |
| N Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Y Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | N Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | Y Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 165, nays 5.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Cooper of the 43rd District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

Your Committee on Health and Human Services has had under consideration the following Bills and Resolution of the Senate and has instructed me to report the same back to the House with the following recommendations:

| | | | |
|--------|------------------------|--------|---------|
| SB 304 | Do Pass, by Substitute | SB 352 | Do Pass |
| SB 358 | Do Pass | SB 391 | Do Pass |
| SR 981 | Do Pass | | |

Respectfully submitted,
/s/ Rynders of the 152nd
Secretary

Representative Setzler of the 35th District, Chairman of the Committee on Science & Technology, submitted the following report:

Mr. Speaker:

Your Committee on Science & Technology has had under consideration the following Resolution of the House and has instructed me to report the same back to the House with the following recommendation:

HR 1265 Do Pass, by Substitute

Respectfully submitted,
/s/ Setzler of the 35th
Chairman

Pursuant to HR 1705, the House commended Dr. Michele Taylor and invited her to be recognized by the House of Representatives.

Pursuant to HR 1590, the House commended the Franklin/Hart/Elbert/Madison Forestry Unit for being named the Georgia Forestry Commission 2013 Northern Unit of the Year and invited its dedicated professionals to be recognized by the House of Representatives.

Pursuant to HR 1591, the House commended the Chattahoochee/Marion Forestry Unit for being named the Georgia Forestry Commission 2013 Southern Unit of the Year and invited its dedicated professionals to be recognized by the House of Representatives.

Pursuant to HR 1595, the House Commended the Satilla District for being named the Georgia Forestry Commission 2013 District of the Year and invited its dedicated professionals to be recognized by the House of Representatives.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 60. By Representative Holt of the 112th:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by retired judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by certain judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, is amended in subsection (a) by revising paragraph (12) and by adding two new paragraphs to read as follows:

"(12) ~~State and federal trial and appellate judges, judges of probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, and permanent part-time judges of municipal and city courts, and former state trial and appellate judges retired from their respective offices under state retirement;~~

(12.1) Former state and federal judges, judges of probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, and permanent part-time judges of municipal courts who are retired from their respective offices, provided that such judge would otherwise be qualified to be issued a weapons carry license;

(12.2) Former state and federal judges, judges of probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, and permanent part-time judges of municipal courts who are no longer serving in their respective office, provided that

he or she served as such judge for more than 24 months and provided, further, that such judge would otherwise be qualified to be issued a weapons carry license;"

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representative Powell of the 32nd et al. offer the following amendment:

Amend the Senate Judiciary, Non-civil Committee substitute to HB 60 (LC 29 6007S) by replacing lines 1 through 4 with the following:

To amend Code Section 8-3-202, Article 2 of Chapter 3, Article 4 of Chapter 11, and Part 2 of Article 4 of Chapter 12 of Title 16, and Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to unlawful practices in selling or renting dwellings and exceptions, justification and excuse, dangerous instrumentalities and practices, transportation passenger safety, and disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, respectively, so as to change provisions relating to carrying weapons and the issuance of weapons carry licenses; to provide for a short title; to provide that persons who use threats, force, or deadly force in accordance with Code Section 16-3-21, 16-3-23, 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution under Part 3 of Article 4 of Chapter 11 of Title 16; to change provisions relating to carrying weapons in unauthorized locations; to provide for and change definitions; to change provisions relating to carrying weapons within certain school safety zones and at school functions; to change provisions relating to exemptions for carrying weapons within school safety zones; to remove fingerprinting requirements for renewal licenses; to allow persons who have had their weapons carry licenses revoked to be eligible to be license holders under certain circumstances; to prohibit the creation or maintenance of data bases regarding persons issued weapons carry licenses; to provide for verification of weapons carry licenses; to provide an exemption from certain laws regarding the carrying and possession of firearms by certain judges; to provide for local boards of education to authorize personnel to carry weapons within school safety zones under certain circumstances; to provide for the offense of unlawfully carrying a weapon into a secure airport area; to provide for weapons carry licenses to be carried and exhibited on demand; to provide that defense of self or others is an absolute defense to any violation under Part 3 of Article 4 of Chapter 11 and Part 2 of Article 4 of Chapter 12 of Title 16; to change legislative findings; to change provisions relating to preemption of local regulations; to provide for the collection and dissemination of information pertinent to issuing weapons carry licenses; to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to repeal state laws regarding firearms dealers; to amend Chapter 3 of Title 38 of the Official Code of Georgia

Annotated, relating to emergency management, so as to prohibit certain limitations regarding firearms during a declared state of emergency; to provide for definitions; to change provisions relating to emergency powers of the Governor; to amend Code Sections 16-5-21, 16-5-24, 16-12-1, 20-2-1180, 20-2-1185, and 43-38-10 of the Official Code of Georgia Annotated, relating to aggravated assault, aggravated battery, contributing to the delinquency, unruliness, or deprivation of a minor, loitering upon school premises or within a school safety zone, school safety plans, and private detectives and security agencies permits to carry firearms, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

By redesignating Sections 1 and 2 as Sections 1-8 and 4-1, respectively.

By inserting between lines 5 and 6 the following:

PART I
SECTION 1-1.

This Act shall be known and may be cited as the "Safe Carry Protection Act."

SECTION 1-2.

Code Section 8-3-202 of the Official Code of Georgia Annotated, relating to unlawful practices in selling or renting dwellings and exceptions, is amended in subsection (a) by striking "or" at the end of subparagraph (a)(6)(C), by replacing the period with "; or" at the end of subparagraph (a)(7)(D), and by adding a new paragraph to read as follows:

"(8) To require, as a condition of tenancy in public housing, any prohibition or restriction of any lawful possession of a firearm within an individual dwelling unless required by federal law or regulation."

SECTION 1-3.

Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse, is amended by revising Code Section 16-3-24.2, relating to immunity from prosecution and exception, as follows:

"16-3-24.2.

A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23, 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution therefor unless in the use of deadly force, such person utilizes a weapon the carrying or possession of which is unlawful by such person under Part 2 ~~or~~ 3 of Article 4 of Chapter 11 of this title."

SECTION 1-4.

Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, is amended by revising subsection (d) of Code Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, as follows:

"(d) Any person who is not prohibited by law from possessing a handgun or long gun who is eligible for a weapons carry license may transport a handgun or long gun in any private passenger motor vehicle; provided, however, that private property owners or persons in legal control of private property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135."

SECTION 1-5.

Said article is further amended by revising Code Section 16-11-127, relating to carrying weapons in unauthorized locations and penalty, as follows:

"16-11-127.

(a) As used in this Code section, the term:

~~(1) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.~~

~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms in which judicial proceedings are held.

~~(3)~~(2) 'Government building' means:

(A) The building in which a government entity is housed;

(B) The building where a government entity meets in its official capacity; provided, however, that if such building is not a publicly owned building, such building shall be considered a government building for the purposes of this Code section only during the time such government entity is meeting at such building; or

(C) The portion of any building that is not a publicly owned building that is occupied by a government entity.

~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the state or any county, municipal corporation, consolidated government, or local board of education within this state.

~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ that has been designated by such government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ for the parking of motor vehicles at a government building or at such courthouse, jail, or prison, ~~place of worship, or bar~~.

(b) Except as provided in subsection (d) or (e) of this Code section, ~~a~~ A person shall be guilty of carrying a weapon or long gun in an unauthorized location and punished as for a misdemeanor when he or she carries a weapon or long gun while:

(1) In a government building, except as provided in subsection (e) of this Code section;

(2) In a courthouse;

(3) In a jail or prison;

~~(4) In a place of worship;~~

~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits individuals on an involuntary basis for treatment of mental illness, developmental disability, or addictive disease; provided, however, that carrying a weapon or long gun in such location in a manner in compliance with paragraph (3) of subsection (d) of this Code section shall not constitute a violation of this subsection;

~~(6) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by license holders;~~

~~(7)~~(5) On the premises of a nuclear power facility, except as provided in Code Section 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede the punishment provisions of this Code section; or

~~(8)~~(6) Within 150 feet of any polling place, except as provided in subsection (i) of Code Section 21-2-413.

(c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every location in this state not listed in subsection (b) or prohibited by subsection (e) of this Code section; provided, however, that private property owners or persons in legal control of private property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135. A violation of subsection (b) of this Code section shall not create or give rise to a civil action for damages.

(d) Subsection (b) of this Code section shall not apply:

(1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such weapons or long guns are secured and handled as directed by the personnel providing courtroom security or the judge hearing the case;

(2) To a license holder who approaches security or management personnel upon arrival at a location described in subsection (b) of this Code section and notifies such security or management personnel of the presence of the weapon or long gun and explicitly follows the security or management personnel's direction for removing, securing, storing, or temporarily surrendering such weapon or long gun; and

(3) To a weapon or long gun possessed by a license holder which is under the possessor's control in a motor vehicle or is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle and such vehicle is parked in a parking facility.

(e) A license holder shall be authorized to carry a weapon in a government building when the government building is open for business and where ingress into such building is not restricted or screened by security personnel. A license holder who enters or attempts to enter a government building carrying a weapon where ingress is restricted or screened by security personnel shall be guilty of a misdemeanor if at least

one member of such security personnel is certified as a peace officer pursuant to Chapter 8 of Title 35; provided, however, that a license holder who immediately exits such building or immediately leaves such location upon notification of his or her failure to clear security due to the carrying of a weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b) of this Code section. A person who is not a license holder and who attempts to enter a government building carrying a weapon shall be guilty of a misdemeanor."

SECTION 1-6.

Said article is further amended by revising subsection (a), paragraphs (1) and (2) of subsection (b), and subsections (c) through (f) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on school property, as follows:

"(a) As used in this Code section, the term:

(1) 'Bus or other transportation furnished by a school' means a bus or other transportation furnished by a public or private elementary or secondary school.

(2) 'School function' means a school function or related activity that occurs outside of a school safety zone and is for a public or private elementary or secondary school.

~~(4)~~(3) 'School safety zone' means in or on any real property or building owned by or leased to:

(A) Any any public or private elementary school, secondary school, or school local board of education and used for elementary or secondary education; and in or on the campus of any

(B) Any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone or at a ~~school building, school function, or school property~~ or on a bus or other transportation furnished by ~~the~~ a school any weapon or

explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any license holder who violates this subsection shall be guilty of a misdemeanor. Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00, by imprisonment for not less than two nor more than ten years, or both."

"(c) The provisions of this Code section shall not apply to:

(1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for legitimate athletic purposes;

(2) Participants in organized sport shooting events or firearm training courses;

(3) Persons participating in military training programs conducted by or on behalf of the armed forces of the United States or the Georgia Department of Defense;

(4) Persons participating in law enforcement training conducted by a police academy certified by the Georgia Peace Officer Standards and Training Council or by a law enforcement agency of the state or the United States or any political subdivision thereof;

(5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:

(A) A peace officer as defined by Code Section 35-8-2;

(B) A law enforcement officer of the United States government;

(C) A prosecuting attorney of this state or of the United States;

(D) An employee of the Georgia Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is authorized by the head of such correctional agency or facility to carry a firearm;

(E) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and

(F) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;

(6) A person who has been authorized in writing by a duly authorized official of ~~the school~~ a public or private elementary or secondary school or a public or private technical school, vocational school, college, university, or other institution of postsecondary education or a local board of education as provided in Code Section 16-11-130.1 to have in such person's possession or use ~~as part of any activity being conducted at a school building, school property, or within a school safety zone, at a school function, or on a bus or other transportation furnished by a school~~ a weapon which would otherwise be prohibited by this Code section. Such authorization shall specify the weapon or weapons which have been authorized and the time period during which the authorization is valid;

(7) A person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10, when such person carries or picks up a student ~~at a school building, within a school safety zone, at a school function, or school property~~ within a school safety zone, at a school function, or on a bus or other transportation furnished by the a school or a person who is licensed in accordance with Code Section 16-11-129 or issued a permit

pursuant to Code Section 43-38-10 when he or she has any weapon legally kept within a vehicle when such vehicle is parked ~~at such school property~~ within a school safety zone or is in transit through a designated school safety zone;

(8) A weapon possessed by a license holder which is under the possessor's control in a motor vehicle or which is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~ within a school safety zone, at a school function, or school property ~~or~~ on a bus or other transportation furnished by ~~the~~ a school, or when such vehicle is used to transport someone to an activity being conducted ~~on school property~~ within a school safety zone which has been authorized by a duly authorized official ~~of the school~~ or local board of education as provided by paragraph (6) of this subsection; provided, however, that this exception shall not apply to a student attending ~~such a~~ public or private elementary or secondary school;

(9) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract;

(10) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon;

(11) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon;

(12) Probation supervisors employed by and under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide Probation Act,' when specifically designated and authorized in writing by the director of the Division of Probation;

(13) Public safety directors of municipal corporations;

(14) State and federal trial and appellate judges;

(15) United States attorneys and assistant United States attorneys;

(16) Clerks of the superior courts;

(17) Teachers and other ~~school~~ personnel who are otherwise authorized to possess or carry weapons, provided that any such weapon is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle; or

(18) Constables of any county of this state.

(d)(1) This Code section shall not prohibit any person who resides or works in a business or is in the ordinary course transacting lawful business or any person who is a visitor of such resident located within a school safety zone from carrying, possessing, or having under such person's control a weapon within a school safety zone; provided, however, that it shall be unlawful for any such person to carry, possess, or have under such person's control while at a school building or school function or on school property, ~~a school bus,~~ or a bus or other transportation furnished

by ~~the~~ a school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any person who violates this subsection shall be subject to the penalties specified in subsection (b) of this Code section.

~~(3) This subsection shall not be construed to waive or alter any legal requirement for possession of weapons or firearms otherwise required by law.~~

(e) It shall be no defense to a prosecution for a violation of this Code section that:

(1) School was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides school purposes at the time of the offense; or

(3) The offense took place on a bus or other transportation furnished by a school vehicle.

(f) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area of the real property of a school board or a private or public elementary or secondary school that is used for school purposes or the area of any ~~campus of any~~ public or private technical school, vocational school, college, university, or other institution of postsecondary education, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county."

SECTION 1-7.

Said article is further amended by revising Code Section 16-11-129, relating to license to carry weapons, as follows:

"16-11-129.

(a) **Application for weapons carry license or renewal license; term.** The judge of the probate court of each county may, on application under oath and on payment of a fee of \$30.00, issue a weapons carry license or renewal license valid for a period of five years to any person whose domicile is in that county or who is on active duty with the United States armed forces and who is not a domiciliary of this state but who either resides in that county or on a military reservation located in whole or in part in that county at the time of such application. Such license or renewal license shall authorize that person to carry any weapon in any county of this state notwithstanding any change

in that person's county of residence or state of domicile. Applicants shall submit the application for a weapons carry license or renewal license to the judge of the probate court on forms prescribed and furnished free of charge to persons wishing to apply for the license or renewal license. An applicant who is not a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is nonpertinent or irrelevant, such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Public Safety shall furnish application forms and license forms required by this Code section. The forms shall be furnished to each judge of each probate court within ~~the~~ this state at no cost.

(b) Licensing exceptions.

(1) As used in this subsection, the term:

(A) 'Controlled substance' means any drug, substance, or immediate precursor included in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.

(B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency or availability of an appeal or an application for collateral relief~~ an adjudication of guilt. Such term shall not include an order of discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42.

(C) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

(2) No weapons carry license shall be issued to:

(A) Any person ~~under~~ younger than 21 years of age unless he or she:

(i) Is at least 18 years of age;

(ii) Provides proof that he or she has completed basic training in the armed forces of the United States; and

(iii) Provides proof that he or she is actively serving in the armed forces of the United States or has been honorably discharged from such service;

(B) Any person who has been convicted of a felony by a court of this state or any other state; by a court of the United States, including its territories, possessions, and dominions; or by a court of any foreign nation and has not been pardoned for such felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitution or laws of such state or nation;

(C) Any person against whom proceedings are pending for any felony;

(D) Any person who is a fugitive from justice;

(E) Any person who is prohibited from possessing or shipping a firearm in interstate commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;

(F) Any person who has been convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug;

(G) Any person who has had his or her weapons carry license revoked pursuant to subsection (e) of this Code section within three years of the date of his or her application;

(H) Any person who has been convicted of any of the following:

(i) ~~Pointing a gun or a pistol at another in violation of Code Section 16-11-102;~~

(ii) Carrying a weapon without a weapons carry license in violation of Code Section 16-11-126; or

(iii)(ii) Carrying a weapon or long gun in an unauthorized location in violation of Code Section 16-11-127

and has not been free of all restraint or supervision in connection therewith and free of any other conviction for at least five years immediately preceding the date of the application;

(I) Any person who has been convicted of any misdemeanor involving the use or possession of a controlled substance and has not been free of all restraint or supervision in connection therewith or free of:

(i) A second conviction of any misdemeanor involving the use or possession of a controlled substance; or

(ii) Any conviction under subparagraphs (E) through (G) of this paragraph for at least five years immediately preceding the date of the application; or

(J) Except as provided for in subsection (b.1) of this Code section, any ~~Any~~ person who has been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center within the five years immediately preceding the application. The judge of the probate court may require any applicant to sign a waiver authorizing any mental hospital or treatment center to inform the judge whether or not the applicant has been an inpatient in any such facility in the last five years and authorizing the superintendent of such facility to make to the judge a recommendation regarding whether the applicant is a threat to the safety of others and whether a license to carry a weapon should be issued. When such a waiver is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Behavioral Health and Developmental Disabilities, which the judge shall remit to the hospital, center, or department. The judge shall keep any such hospitalization or treatment information confidential. It shall be at the discretion of the judge, considering the circumstances surrounding the hospitalization and the recommendation of the superintendent of the hospital or treatment center where the individual was a patient, to issue the weapons carry license or renewal license;

(K) Except as provided for in subsection (b.1) of this Code section, any person who has been adjudicated mentally incompetent to stand trial; or

(L) Except as provided for in subsection (b.1) of this Code section, any person who has been adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of Article 6 of Chapter 7 of Title 17.

~~(3) If first offender treatment without adjudication of guilt for a conviction contained in subparagraph (F) or (I) of paragraph (2) of this subsection was entered and such sentence was successfully completed and such person has not had any other conviction since the completion of such sentence and for at least five years immediately preceding the date of the application, he or she shall be eligible for a weapons carry license provided that no other license exception applies.~~

(b.1) Petitions for relief from certain licensing exceptions.

(1) Persons provided for under subparagraphs (b)(2)(J), (b)(2)(K), and (b)(2)(L) of this Code section may petition the court in which such adjudication, hospitalization, or treatment proceedings, if any, under Chapter 3 or 7 of Title 37 occurred for relief. A copy of such petition for relief shall be served as notice upon the opposing civil party or the prosecuting attorney for the state, as the case may be, or their successors, who appeared in the underlying case. Within 30 days of the receipt of such petition, such court shall hold a hearing on such petition for relief. Such prosecuting attorney for the state may represent the interests of the state at such hearing.

(2) At the hearing provided for under paragraph (1) of this subsection, the court shall receive and consider evidence in a closed proceeding concerning:

(A) The circumstances which caused the person to be subject to subparagraph (b)(2)(J), (b)(2)(K), or (b)(2)(L) of this Code section;

(B) The person's mental health and criminal history records, if any. The judge of such court may require any such person to sign a waiver authorizing the superintendent of any mental hospital or treatment center to make to the judge a recommendation regarding whether such person is a threat to the safety of others. When such a waiver is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Behavioral Health and Developmental Disabilities, which the judge shall remit to the hospital, center, or department;

(C) The person's reputation which shall be established through character witness statements, testimony, or other character evidence; and

(D) Changes in the person's condition or circumstances since such adjudication, hospitalization, or treatment proceedings under Chapter 3 or 7 of Title 37.

The judge shall issue an order of his or her decision no later than 30 days after the hearing.

(3) The court shall grant the petition for relief if such court finds by a preponderance of the evidence that the person will not likely act in a manner dangerous to public safety in carrying a weapon and that granting the relief will not be contrary to the public interest. A record shall be kept of the hearing; provided, however, that such records shall remain confidential and be disclosed only to a court or to the parties in

the event of an appeal. Any appeal of the court's ruling on the petition for relief shall be de novo review.

(4) If the court grants such person's petition for relief, the applicable subparagraph (b)(2)(J), (b)(2)(K), or (b)(2)(L) of this Code section shall not apply to such person in his or her application for a weapons carry license or renewal; provided, however, that such person shall comply with all other requirements for the issuance of a weapons carry license or renewal license. The clerk of such court shall report such order to the Georgia Crime Information Center immediately, but in no case later than ten business days after the date of such order.

(5) A person may petition for relief under this subsection not more than once every two years. In the case of a person who has been hospitalized as an inpatient, such person shall not petition for relief prior to being discharged from such treatment.

(c) **Fingerprinting.** ~~Following completion of the application for a weapons carry license or the renewal of a license, the judge of the probate court shall require the applicant to proceed to an appropriate law enforcement agency in the county or to any vendor approved by the Georgia Bureau of Investigation for fingerprint submission services with the completed application. The appropriate local law enforcement agency in each county shall then so that such agency or vendor can capture the fingerprints of the applicant for a weapons carry license or renewal license and place the name of the applicant on the blank license form. The appropriate local law enforcement agency shall place the fingerprint on a blank license form which has been furnished to the law enforcement agency by the judge of the probate court if a fingerprint is required to be furnished by subsection (f) of this Code section. The law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its services in connection with the fingerprinting and processing of an application. Fingerprinting shall not be required for applicants seeking temporary renewal licenses or renewal licenses.~~

(d) **Investigation of applicant; issuance of weapons carry license; renewal.**

(1) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within five business days following the receipt of the application or request direct the law enforcement agency to request a fingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court. Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime Information Center and under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary to cover the cost of the records search.

(2) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within five business days following the receipt of the application or request also direct the law enforcement agency to conduct a background check using the Federal Bureau of Investigation's National Instant Criminal Background Check System and return an appropriate report to the probate judge.

(3) When a person who is not a United States citizen applies for a weapons carry license or renewal of a license under this Code section, the judge of the probate court shall direct the law enforcement agency to conduct a search of the records maintained by United States Immigration and Customs Enforcement and return an appropriate report to the probate judge. As a condition to the issuance of a license or the renewal of a license, an applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).

(4) The law enforcement agency shall report to the judge of the probate court within 30 days, by telephone and in writing, of any findings relating to the applicant which may bear on his or her eligibility for a weapons carry license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application ~~and the blank license form with the fingerprint thereon~~ directly to the judge of the probate court within such time period. Not later than ten days after the judge of the probate court receives the report from the law enforcement agency concerning the suitability of the applicant for a license, the judge of the probate court shall issue such applicant a license or renewal license to carry any weapon unless facts establishing ineligibility have been reported or unless the judge determines such applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements contained in this Code section. The judge of the probate court shall date stamp the report from the law enforcement agency to show the date on which the report was received by the judge of the probate court.

(e) **Revocation, loss, or damage to license.** If, at any time during the period for which the weapons carry license was issued, the judge of the probate court of the county in which the license was issued shall learn or have brought to his or her attention in any manner any reasonable ground to believe the licensee is not eligible to retain the license, the judge may, after notice and hearing, revoke the license of the person upon a finding that such person is not eligible for a weapons carry license pursuant to subsection (b) of this Code section or an adjudication of falsification of application, mental incompetency, or chronic alcohol or narcotic usage. It shall be unlawful for any person to possess a license which has been revoked, and any person found in possession of any such revoked license, except in the performance of his or her official duties, shall be guilty of a misdemeanor. ~~It shall be required that any license holder under this Code section have in his or her possession his or her valid license whenever he or she is carrying a weapon under the authority granted by this Code section, and his or her failure to do so shall be prima facie evidence of a violation of Code Section 16-11-126.~~ Loss of any license issued in accordance with this Code section or damage to the license in any manner which shall render it illegible shall be reported to the judge of the probate court of the county in which it was issued within 48 hours of the time the loss or damage becomes known to the license holder. The judge of the probate court shall thereupon issue a replacement for and shall take custody of and destroy a damaged

license; and in any case in which a license has been lost, he or she shall issue a cancellation order and notify by telephone and in writing each of the law enforcement agencies whose records were checked before issuance of the original license. The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such services.

(f)(1) **Weapons carry license specifications.** Weapons carry licenses issued as ~~prescribed in this Code section shall be printed on durable but lightweight card stock, and the completed card shall be laminated in plastic to improve its wearing qualities and to inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each shall be serially numbered within the county of issuance and shall bear the full name, residential address, birth date, weight, height, color of eyes, and sex of the licensee. The license shall show the date of issuance, the expiration date, and the probate court in which issued and shall be signed by the licensee and bear the signature or facsimile thereof of the judge. The seal of the court shall be placed on the face before the license is laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of the licensee's right index finger; however, if the right index fingerprint cannot be secured for any reason, the print of another finger may be used but such print shall be marked to identify the finger from which the print is taken prior to January 1, 2012, shall be in the format specified by the former provisions of this paragraph as they existed on June 30, 2013.~~

(2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses shall incorporate overt and covert security features which shall be blended with the personal data printed on the license to form a significant barrier to imitation, replication, and duplication. There shall be a minimum of three different ultraviolet colors used to enhance the security of the license incorporating variable data, color shifting characteristics, and front edge only perimeter visibility. The weapons carry license shall have a color photograph viewable under ambient light on both the front and back of the license. The license shall incorporate custom optical variable devices featuring the great seal of the State of Georgia as well as matching demetalized optical variable devices viewable under ambient light from the front and back of the license incorporating microtext and unique alphanumeric serialization specific to the license holder. The license shall be of similar material, size, and thickness of a credit card and have a holographic laminate to secure and protect the license for the duration of the license period.

~~(B)~~(3) Using the physical characteristics of the license set forth in ~~subparagraph (A) of this paragraph (2) of this subsection,~~ The Council of Probate Court Judges of Georgia shall create specifications for the probate courts so that all weapons carry licenses in this state shall be uniform and so that probate courts can petition the Department of Administrative Services to purchase the equipment and supplies necessary for producing such licenses. The department shall follow the competitive bidding procedure set forth in Code Section 50-5-102.

(g) **Alteration or counterfeiting of license; penalty.** A person who deliberately alters or counterfeits a weapons carry license or who possesses an altered or counterfeit

weapons carry license with the intent to misrepresent any information contained in such license shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a period of not less than one nor more than five years.

(h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code Section 16-11-130, any person who has served as a law enforcement officer for at least ten of the 12 years immediately preceding the retirement of such person as a law enforcement officer shall be entitled to be issued a weapons carry license as provided for in this Code section without the payment of any of the fees provided for in this Code section. Such person shall comply with all the other provisions of this Code section relative to the issuance of such licenses. As used in this subsection, the term 'law enforcement officer' means any peace officer who is employed by the United States government or by the State of Georgia or any political subdivision thereof and who is required by the terms of his or her employment, whether by election or appointment, to give his or her full time to the preservation of public order or the protection of life and property or the prevention of crime. Such term shall include conservation rangers.

(i) **Temporary renewal licenses.**

(1) Any person who holds a weapons carry license under this Code section may, at the time he or she applies for a renewal of the license, also apply for a temporary renewal license if less than 90 days remain before expiration of the license he or she then holds or if the previous license has expired within the last 30 days.

(2) Unless the judge of the probate court knows or is made aware of any fact which would make the applicant ineligible for a five-year renewal license, the judge shall at the time of application issue a temporary renewal license to the applicant.

(3) Such a temporary renewal license shall be in the form of a paper receipt indicating the date on which the court received the renewal application and shall show the name, address, sex, age, and race of the applicant and that the temporary renewal license expires 90 days from the date of issue.

(4) During its period of validity the temporary renewal ~~permit~~ license, if carried on or about the holder's person together with the holder's previous license, shall be valid in the same manner and for the same purposes as a five-year license.

(5) A \$1.00 fee shall be charged by the probate court for issuance of a temporary renewal license.

(6) A temporary renewal license may be revoked in the same manner as a five-year license.

(j) **Applicant may seek relief.** When an eligible applicant fails to receive a license, temporary ~~permit~~ renewal license, or renewal license within the time period required by this Code section and the application or request has been properly filed, the applicant may bring an action in mandamus or other legal proceeding in order to obtain a license, temporary renewal license, or renewal license. When an applicant is otherwise denied a license, temporary renewal license, or renewal license and contends that he or she is qualified to be issued a license, temporary renewal license, or renewal license, the applicant may bring an action in mandamus or other legal proceeding in order to obtain

such license. Additionally, the applicant may request a hearing before the judge of the probate court relative to the applicant's fitness to be issued such license. Upon the issuance of a denial, the judge of the probate court shall inform the applicant of his or her rights pursuant to this subsection. If such applicant is the prevailing party, he or she shall be entitled to recover his or her costs in such action, including reasonable attorney's fees.

(k) **Data base prohibition.** A person or entity shall not create or maintain a multijurisdictional data base of information regarding persons issued weapons carry licenses.

(l) **Verification of license.** The judge of a probate court or his or her designee shall be authorized to verify the legitimacy and validity of a weapons carry license to a license holder, pursuant to a subpoena or court order, or for public safety purposes, but shall not be authorized to provide any further information regarding license holders."

By replacing lines 7 through 9 with the following:

Said article is further amended in Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, by revising paragraph (12) of subsection (a) and by adding two new paragraphs to read as follows:

By inserting between lines 22 and 23 the following:

SECTION 1-9.

Said article is further amended by adding two new Code sections to read as follows:

"16-11-130.1.

(a) As used in this Code section, the term:

(1) 'Bus or other transportation furnished by a school' means a bus or other transportation furnished by a public or private elementary or secondary school.

(2) 'School function' means a school function or related activity that occurs outside of a school safety zone for a public or private elementary or secondary school.

(3) 'School safety zone' means in or on any real property or building owned by or leased to any public or private elementary or secondary school or local board of education and used for elementary or secondary education.

(4) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

(b) This Code section shall not be construed to require or otherwise mandate that any local board of education or school administrator adopt or implement a practice or program for the approval of personnel to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school nor shall this Code section create any liability for adopting or declining to adopt such practice or program. Such decision shall rest with each individual local board of education. If a local board of education adopts a policy to allow certain personnel to possess or carry weapons as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy shall include approval of personnel to possess or carry weapons and provide for:

- (1) Training of approved personnel prior to authorizing such personnel to carry weapons. The training shall at a minimum include training on judgment pistol shooting, marksmanship, and a review of current laws relating to the use of force for the defense of self and others; provided, however, that the local board of education training policy may substitute for certain training requirements the personnel's prior military or law enforcement service if the approved personnel has previously served as a certified law enforcement officer or has had military service which involved similar weapons training;
- (2) An approved list of the types of weapons and ammunition and the quantity of weapons and ammunition authorized to be possessed or carried;
- (3) The exclusion from approval of any personnel who has had an employment or other history indicating any type of mental or emotional instability as determined by the local board of education; and
- (4) A mandatory method of securing weapons which shall include at a minimum a requirement that the weapon, if permitted to be carried concealed by personnel, shall be carried on the person and not in a purse, briefcase, bag, or similar other accessory which is not secured on the body of the person and, if maintained separate from the person, shall be maintained in a secured lock safe or similar lock box that cannot be easily accessed by students.
- (c) Any personnel selected to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be a license holder, and the local board of education shall be responsible for conducting a criminal history background check of such personnel annually to determine whether such personnel remains qualified to be a license holder.
- (d) The selection of approved personnel to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be done strictly on a voluntary basis. No personnel shall be required to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school and shall not be terminated or otherwise retaliated against for refusing to possess or carry a weapon.
- (e) The local board of education shall be responsible for any costs associated with approving personnel to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school; provided, however, that nothing contained in this Code section shall prohibit any approved personnel from paying for part or all of such costs or using any other funding mechanism available, including donations or grants from private persons or entities.
- (f) Documents and meetings pertaining to personnel approved to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be considered employment and public safety security records and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

16-11-130.2.

(a) No person shall enter the restricted access area of a commercial service airport, in or beyond the airport security screening checkpoint, knowingly possessing or knowingly having under his or her control a weapon or long gun. Such area shall not include an airport drive, general parking area, walkway, or shops and areas of the terminal that are outside the screening checkpoint and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that weapons are prohibited in such area.

(b) A person who is not a license holder and who violates this Code section shall be guilty of a misdemeanor. A license holder who violates this Code section shall be guilty of a misdemeanor; provided, however, that a license holder who is notified at the screening checkpoint for the restricted access area that he or she is in possession of a weapon or long gun and who immediately leaves the restricted access area following such notification shall not be guilty of violating this Code section.

(c) Any person who violates this Code section with the intent to commit a separate felony offense shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than \$1,000.00 nor more than \$15,000.00, imprisonment for not less than one nor more than ten years, or both.

(d) Any ordinance, resolution, regulation, or policy of any county, municipality, or other political subdivision of this state which is in conflict with this Code section shall be null, void, and of no force and effect, and this Code section shall preempt any such ordinance, resolution, regulation, or policy."

SECTION 1-10.

Said article is further amended by adding two new Code sections to read as follows:

"16-11-137.

(a) Every license holder shall have his or her valid weapons carry license in his or her immediate possession at all times when carrying a weapon, or if such person is exempt from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c) of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or her immediate possession at all times when carrying a weapon, and his or her failure to do so shall be prima-facie evidence of a violation of the applicable provision of Code Sections 16-11-126 through 16-11-127.2.

(b) A person carrying a weapon shall not be subject to detention for the sole purpose of investigating whether such person has a weapons carry license.

(c) A person convicted of a violation of this Code section shall be fined not more than \$10.00 if he or she produces in court his or her weapons carry license, provided that it was valid at the time of his or her arrest, or produces proof of his or her exemption.

16-11-138.

Defense of self or others, as contemplated by and provided for under Article 2 of Chapter 3 of Title 16, shall be an absolute defense to any violation under this part."

SECTION 1-11.

Said article is further amended by revising Code Section 16-11-173, relating to legislative findings and preemption of local regulation and lawsuits, as follows:

"16-11-173.

(a)(1) It is declared by the General Assembly that the regulation of firearms and other weapons is properly an issue of general, state-wide concern.

(2) The General Assembly further declares that the lawful design, marketing, manufacture, and sale of firearms and ammunition and other weapons to the public is not unreasonably dangerous activity and does not constitute a nuisance per se.

(b)(1) Except as provided in subsection (c) of this Code section, no ~~No~~ county or municipal corporation, by zoning or by ordinance, or resolution, or other enactment, ~~nor any agency, board, department, commission, or authority of this state, other than the General Assembly, by rule or regulation shall regulate in any manner:~~

(A) Gun gun shows;

(B) The the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, or registration of firearms or other weapons or components of firearms or other weapons;

(C) Firearms dealers or dealers of other weapons ~~firearms-dealers;~~ or

(D) Dealers in dealers-in-firearms components of firearms or other weapons.

(2) The authority to bring suit and right to recover against any weapons, firearms, or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit created by or pursuant to an Act of the General Assembly or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a weapons, firearms, or ammunition manufacturer or dealer for breach of contract or express warranty as to weapons, firearms, or ammunition purchased by the political subdivision or local government authority.

(c)(1) A county or municipal corporation may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with such local unit of government; provided, however, that the sheriff or chief of police shall be solely responsible for regulating and determining the possession, carrying, and transportation of firearms and other weapons by employees under his or her respective supervision so long as such regulations comport with state and federal law.

(2) The commanding officer of any law enforcement agency shall regulate and determine the possession, carrying, and transportation of firearms and other weapons by employees under his or her supervision so long as such regulations comport with state and federal law.

(3) The district attorney, and the solicitor-general in counties where there is a state court, shall regulate and determine the possession, carrying, and transportation of

firearms and other weapons by county employees under his or her supervision so long as such regulations comport with state and federal law.

(d) Nothing contained in this Code section shall prohibit municipalities or counties, by ordinance, or resolution, or other enactment, from requiring the ownership of guns by heads of households within the political subdivision.

(e) Nothing contained in this Code section shall prohibit municipalities or counties, by ordinance, or resolution, or other enactment, from reasonably limiting or prohibiting the discharge of firearms within the boundaries of the municipal corporation or county.

(f) As used in this Code section, the term 'weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

(g) Any person aggrieved as a result of a violation of this Code section may bring an action against the person who caused such aggrievement. The aggrieved person shall be entitled to reasonable attorney's fees and expenses of litigation and may recover or obtain against the person who caused such damages any of the following:

(1) Actual damages or \$100.00, whichever is greater;

(2) Equitable relief, including, but not limited to, an injunction or restitution of money and property; and

(3) Any other relief which the court deems proper."

SECTION 1-12.

Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to transportation passenger safety, is amended by adding a new Code section to read as follows:

"16-12-129.

Defense of self or others, as contemplated by and provided for under Article 2 of Chapter 3 of Title 16, shall be an absolute defense to any violation under this part."

SECTION 1-13.

Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, is amended in subsection (e) by adding a new paragraph to read as follows:

"(3)(A) The records of the center shall include information as to whether a person has been involuntarily hospitalized. In order to carry out the provisions of Code Section 16-11-129, the center shall be provided such information and no other mental health information from the records of the probate and superior courts ordering persons to be involuntarily hospitalized. With respect to probate court records, such information shall be provided in a manner agreed upon by the Probate Judges Training Council and the bureau. With respect to superior court records, such information shall be provided in a manner agreed upon by The Council of Superior Court Clerks of Georgia and the bureau. Such records shall be provided in a manner so as to preserve the confidentiality of patients' rights in all other respects.

(B) In order to carry out the provisions of Code Section 16-11-129, the center shall be provided information as to whether a person has been adjudicated mentally incompetent to stand trial or has been found not guilty by reason of insanity at the time of the crime. The clerk of court shall report such information to the center immediately but in no case later than ten days after such adjudication of mental incompetence or finding of not guilty by reason of insanity."

SECTION 1-14.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by repealing Chapter 16, relating to firearms dealers, and designating said chapter as reserved.

PART II

SECTION 2-1.

This part shall be known to be in honor of Representative Bobby Franklin.

SECTION 2-2.

Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, is amended by adding a new Code section to read as follows:

"38-3-37.

(a) As used in this Code section, the term:

(1) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge.

(2) 'License holder' shall have the same meaning as set forth in Code Section 16-11-125.1.

(3) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-125.1.

(b) No official or employee of the state or any political subdivision thereof, member of the National Guard in the service of the state, or any person operating pursuant to or under color of state law, while acting during or pursuant to a declared state of emergency, shall:

(1) Temporarily or permanently seize, or authorize the seizure of, any firearm or ammunition or any component thereof the possession of which was not prohibited by law at the time immediately prior to the declaration of a state of emergency, other than as provided by the criminal or forfeiture laws of this state;

(2) Prohibit possession of any firearm or ammunition or any component thereof or promulgate any rule, regulation, or order prohibiting possession of any firearm or ammunition or any component thereof if such possession was not otherwise prohibited by law at the time immediately prior to the declaration of a state of emergency;

(3) Prohibit any license holder from carrying any weapon or promulgate any rule, regulation, or order prohibiting such carrying if such carrying was not otherwise

prohibited by law at the time immediately prior to the declaration of a state of emergency; or

(4) Require the registration of any firearm."

SECTION 2-3.

Said chapter is further amended by revising paragraph (8) of subsection (d) of Code Section 38-3-51, relating to emergency powers of the Governor, as follows:

"(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms, explosives, and or combustibles~~; provided, however, that ~~any limitation on firearms under this Code section shall not include an individual firearm owned by a private citizen which was legal and owned by that citizen prior to the declaration of state of emergency or disaster or thereafter acquired in compliance with all applicable laws of this state and the United States for purposes of this paragraph, the terms 'explosives' and 'combustibles' shall not include firearms or ammunition or any component thereof; and"~~

PART III

SECTION 3-1.

Code Section 16-5-21 of the Official Code of Georgia Annotated, relating to aggravated assault, is amended by revising subsection (i) as follows:

"(i) Any person who commits the offense of aggravated assault involving the use of a firearm upon a student or teacher or other school personnel within a school safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years."

SECTION 3-2.

Code Section 16-5-24 of the Official Code of Georgia Annotated, relating to aggravated battery, is amended by revising subsection (g) as follows:

"(g) Any person who commits the offense of aggravated battery upon a student or teacher or other school personnel within a school safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years."

SECTION 3-3.

Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to the delinquency, unruliness, or deprivation of a minor, is amended by revising paragraph (5) of subsection (b) as follows:

"(5) Knowingly and willfully provides to a minor any weapon as defined in ~~paragraph (2) of subsection (a) of~~ Code Section 16-11-127.1 or any weapon as defined in Code Section 16-11-121 to commit any felony which encompasses force or violence as an element of the offense or delinquent act which would constitute a

felony which encompasses force or violence as an element of the offense if committed by an adult; or"

SECTION 3-4.

Code Section 20-2-1180 of the Official Code of Georgia Annotated, relating to loitering upon school premises or within a school safety zone, is amended by revising subsection (a) as follows:

"(a) It shall be unlawful for any person to remain upon the premises or within the school safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 of any public or private school in this state or to remain upon such premises or within such school safety zone when that person does not have a legitimate cause or need to be present thereon. Each principal or designee of each public or private school in this state shall have the authority to exercise such control over the buildings and grounds upon which a school is located so as to prohibit any person who does not have a legitimate need or cause to be present thereon from loitering upon such premises. Each principal or designee of each public or private school in this state shall notify the appropriate law enforcement agency to prohibit any person who does not have a legitimate need or cause to be present therein from loitering within the school safety zone."

SECTION 3-5.

Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety plans, is amended by revising subsection (c) as follows:

"(c) School safety plans prepared by public schools shall address security issues in school safety zones as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1. School safety plans should also address security issues involving the transportation of pupils to and from school and school functions when such transportation is furnished by the school or school system and school functions held during noninstructional hours."

SECTION 3-6.

Code Section 43-38-10 of the Official Code of Georgia Annotated, relating to private detectives and security agencies permits to carry firearms, is amended by revising subsection (a) as follows:

"(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person who ~~is at least 21 years of age and~~ is a license holder as defined in Code Section 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets the qualifications and training requirements set forth in this Code section and such other qualifications and training requirements as the board by rule may establish. The board shall have the authority to establish limits on type and caliber of such weapons by rule. Application for such permit and for renewal thereof shall be made on forms provided by the division director. No weapons permit issued under this Code section shall be transferable to another individual."

PART IV

Representative Powell of the 32nd moved that the House agree to the Senate substitute, as amended by the House, to HB 60.

By unanimous consent, Representative Powell of the 32nd withdrew his motion.

The following Resolutions of the House were read and adopted:

HR 1772. By Representatives Geisinger of the 48th, Riley of the 50th, Stephens of the 164th, Pruett of the 149th, O'Neal of the 146th and others:

A RESOLUTION commending and recognizing W. Cothran "Cot" Campbell; and for other purposes.

HR 1773. By Representative Beasley-Teague of the 65th:

A RESOLUTION recognizing and commending Jawana Moyer in honor of Women's History Month 2014; and for other purposes.

HR 1774. By Representative Beasley-Teague of the 65th:

A RESOLUTION recognizing and commending Ivy Green in honor of Women's History Month 2014; and for other purposes.

HR 1775. By Representatives Dudgeon of the 25th and Cooper of the 43rd:

A RESOLUTION recognizing March 12, 2014, as Amyotrophic Lateral Sclerosis Awareness Day at the capitol and honoring the Georgia Chapter of the ALS Association as the only charity in Georgia dedicating 100 percent to supporting ALS patients and their families; and for other purposes.

HR 1776. By Representative Kidd of the 145th:

A RESOLUTION recognizing Mrs. Evelyn M. Sloat and celebrating the occasion of her 90th birthday; and for other purposes.

HR 1777. By Representatives Wilkinson of the 52nd, Gardner of the 57th, Lindsey of the 54th, Dudgeon of the 25th, Ehrhart of the 36th and others:

A RESOLUTION recognizing and commending WXIA-TV 11 Alive's photojournalist Jon Samuels and television reporters Matt Pearl and Jaye Watson; and for other purposes.

HR 1778. By Representatives Scott of the 76th and Beasley-Teague of the 65th:

A RESOLUTION recognizing and commending Cathelene "Tina" Robinson; and for other purposes.

HR 1779. By Representatives Chandler of the 105th, Kirby of the 114th, Coleman of the 97th, Harrell of the 106th and Casas of the 107th:

A RESOLUTION commending Audriana Simms, Grayson High School's 2014 STAR Student; and for other purposes.

HR 1780. By Representatives Chandler of the 105th, Kirby of the 114th, Coleman of the 97th, Harrell of the 106th and Casas of the 107th:

A RESOLUTION commending Chandler Ray, Grayson High School's 2014 salutatorian; and for other purposes.

HR 1781. By Representatives Chandler of the 105th, Kirby of the 114th, Coleman of the 97th, Harrell of the 106th and Casas of the 107th:

A RESOLUTION commending Richard Wood, Grayson High School's 2014 STAR Teacher; and for other purposes.

HR 1782. By Representatives Chandler of the 105th, Kirby of the 114th, Coleman of the 97th, Harrell of the 106th and Casas of the 107th:

A RESOLUTION commending Sydney Wade, Grayson High School's 2014 valedictorian; and for other purposes.

HR 1783. By Representative Holt of the 112th:

A RESOLUTION commending Mr. Richard Hodgetts; and for other purposes.

HR 1784. By Representatives Drenner of the 85th, Henson of the 86th, Oliver of the 82nd and Gardner of the 57th:

A RESOLUTION honoring a group of outstanding women for service to their community; and for other purposes.

HR 1785. By Representatives Drenner of the 85th, Bell of the 58th, Waites of the 60th, Fullerton of the 153rd, Abrams of the 89th and others:

A RESOLUTION recognizing and commending Abby Drue in honor of Women's History Month 2014; and for other purposes.

HR 1786. By Representatives Drenner of the 85th, Bell of the 58th, Waites of the 60th, Thomas of the 56th, Henson of the 86th and others:

A RESOLUTION recognizing and commending the 2014 World AIDS Awareness Weekend; and for other purposes.

HR 1787. By Representatives Drenner of the 85th, Bell of the 58th, Waites of the 60th, Fullerton of the 153rd, Abrams of the 89th and others:

A RESOLUTION recognizing and commending the AGMC; and for other purposes.

HR 1788. By Representative Hatchett of the 150th:

A RESOLUTION honoring the life and memory of Shay Moorman; and for other purposes.

HR 1789. By Representatives Lindsey of the 54th, Golick of the 40th, Wilkinson of the 52nd and Jones of the 53rd:

A RESOLUTION commending the Lovett School Lions football team for winning the Class AA State Championship; and for other purposes.

HR 1790. By Representative Ramsey of the 72nd:

A RESOLUTION recognizing and commending Ms. Lauren Ladouceur; and for other purposes.

HR 1791. By Representatives Waites of the 60th, Brooks of the 55th, Jones of the 53rd and Thomas of the 56th:

A RESOLUTION recognizing and commending SamVerly College, its past graduates, and its current students; and for other purposes.

HR 1792. By Representatives Waites of the 60th, Brooks of the 55th, Jones of the 53rd and Thomas of the 56th:

A RESOLUTION recognizing and commending SamVerly College's past graduates and current students; and for other purposes.

HR 1793. By Representatives Waites of the 60th, Brooks of the 55th, Jones of the 53rd and Thomas of the 56th:

A RESOLUTION recognizing and commending SamVerly College; and for other purposes.

HR 1794. By Representatives Evans of the 42nd, Morgan of the 39th and Wilkerson of the 38th:

A RESOLUTION recognizing and commending the important weather forecasting and public safety services provided to the citizens of the State of Georgia by The Weather Channel during weather related events, emergencies, and disasters; and for other purposes.

HR 1795. By Representatives Evans of the 42nd and Golick of the 40th:

A RESOLUTION commending Ready Smyrna's PrepareAthon! and recognizing March 21, 2014, as Ready Smyrna's PrepareAthon! Day at the state capitol; and for other purposes.

HR 1796. By Representatives Howard of the 124th, Smith of the 125th, Frazier of the 126th and Prince of the 127th:

A RESOLUTION recognizing and commending the CSRA Business League, Inc. on its 44th anniversary; and for other purposes.

HR 1797. By Representatives Howard of the 124th, Sims of the 123rd, Smith of the 125th, Frazier of the 126th and Prince of the 127th:

A RESOLUTION recognizing and commending the Aquinas High School football team and Coach James Leonard for winning the Class A State Championship; and for other purposes.

HR 1798. By Representatives Howard of the 124th, Smith of the 125th, Frazier of the 126th and Prince of the 127th:

A RESOLUTION recognizing and commending Dr. Sam Davis; and for other purposes.

HR 1799. By Representatives Dawkins-Haigler of the 91st, Stephenson of the 90th, Anderson of the 92nd, Dickerson of the 113th and Kirby of the 114th:

A RESOLUTION recognizing and commending the Family Promise of NewRock; and for other purposes.

HR 1800. By Representatives Dawkins-Haigler of the 91st, Scott of the 76th, Waites of the 60th, Jordan of the 77th and Douglas of the 78th:

A RESOLUTION recognizing and commending Drew Findling; and for other purposes.

HR 1801. By Representatives Dawkins-Haigler of the 91st, Stephenson of the 90th, Anderson of the 92nd, Dickerson of the 113th and Kirby of the 114th:

A RESOLUTION recognizing and commending Marcie Howington and Phoenix Pass; and for other purposes.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 375. By Representatives Williamson of the 115th, Shaw of the 176th and Mayo of the 84th:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for cancellations under certain circumstances relating to policy terms that permit an audit or rate investigation and noncompliance by the insured; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for cancellations under certain circumstances relating to policy terms that permit an audit and noncompliance by the insured; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding a new subsection to Code Section 33-24-44, relating to cancellation of policies generally, to read as follows:

"(d.2) If the terms of a policy permit an audit and the insured fails to submit to or allow an audit for the current or most recently expired term, the insurer may, after two documented efforts to notify the policyholder and the policyholder's agent of potential cancellation, send via certified mail or statutory overnight delivery, return receipt requested, written notice to the named insured at least ten days prior to the effective date of cancellation in lieu of the number of days' notice otherwise required by law; provided, however, that no cancellation notice shall be mailed within 20 days of the first documented effort to notify the policyholder of potential cancellation."

SECTION 2.

This Act shall be applicable to policies issued or renewed on or after July 1, 2014.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Representative Williamson of the 115th moved that the House agree to the Senate substitute to HB 375.

On the motion, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|----------------|
| Y Abrams | Y Coomer | Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | N Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatcher | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| E Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstoration | Y Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Bruce | Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |

| | | | | |
|------------|-------------|------------|-------------|------------------|
| Y Carson | E Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Mabra | Scott | Williams, C |
| Y Clark, J | Y Golick | Y Marin | Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the motion, the ayes were 160, nays 1.

The motion prevailed.

HB 824. By Representatives Smith of the 134th, England of the 116th, Meadows of the 5th, Willard of the 51st, Smyre of the 135th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury generally, so as to clarify that the term "interest" does not include certain fees agreed upon by a financial institution and a depositor in a written agreement between the parties; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED AN ACT

To amend Article 1 of Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury generally, so as to clarify that the term "interest" does not include certain fees agreed upon by a financial institution and a depositor in a written agreement between the parties; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 4 of Title 7 of the Official Code of Georgia Annotated, relating to interest and usury generally, is amended by adding a new subsection to Code Section 7-4-2, relating to the legal and maximum rates of interest, to read as follows:

"(d) Notwithstanding the foregoing, fees and other charges agreed upon by a financial institution and depositor, as defined in Code Section 7-1-4, in a written agreement governing a deposit, share, or other account, including, but not limited to, overdraft and

nonsufficient funds, delinquency or default charges, returned payment charges, stop payment charges, or automated teller machine charges, shall not be considered interest."

SECTION 2.

Said article is further amended by adding a new subsection to Code Section 7-4-18, relating to criminal penalties for charging excessive interest, to read as follows:

"(d) Notwithstanding the foregoing, fees and other charges agreed upon by a financial institution and depositor, as defined in Code Section 7-1-4, in a written agreement governing a deposit, share, or other account, including, but not limited to, overdraft and nonsufficient funds, delinquency or default charges, returned payment charges, stop payment charges, or automated teller machine charges, shall not be considered interest."

SECTION 3.

It is not the intent of the General Assembly to affect the law applicable to litigation pending as of February 19, 2014.

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

Representative Smith of the 134th moved that the House agree to the Senate substitute to HB 824.

On the motion, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|------------|---------------|
| Y Abrams | Y Coomer | Y Gregory | McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| E Beasley-Teague | Dollar | Y Hightower | Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Y Jackson | Y Pezold | Y Tarvin |

| | | | | |
|---------------|-------------|------------|-------------|------------------|
| Y Brockway | Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | E Frazier | Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Mabra | Scott | Y Williams, C |
| Y Clark, J | Y Golick | Y Marin | Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the motion, the ayes were 158, nays 0.

The motion prevailed.

HB 809. By Representatives Williamson of the 115th, Duncan of the 26th, Nix of the 69th, Caldwell of the 131st, Fludd of the 64th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to prohibit bad faith assertions of patent infringement; to provide for definitions; to provide for factors for determining whether a bad faith assertion of patent infringement has been made; to require the posting of a bond when a bad faith claim of patent infringement has been made; to provide for enforcement; to provide for damages; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED AN ACT

To amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to prohibit bad faith assertions of patent infringement; to provide for definitions; to provide for factors for determining whether a bad faith assertion of patent infringement has been made; to require the posting of a bond when a bad faith claim of patent infringement has been made; to provide for a civil cause

of action; to provide for enforcement; to provide for damages; to provide for exclusions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, is amended by adding a new article to read as follows:

"ARTICLE 27A

10-1-770.

As used in this article, the term:

- (1) 'Claims in the patent' means the extent of protection conferred by a patent.
- (2) 'Demand letter' means a letter, e-mail, or other written communication asserting or claiming that the target has engaged in patent infringement.
- (3) 'Target' means a person:
 - (A) Who has received a demand letter or against whom an assertion or allegation of patent infringement has been made;
 - (B) Who has been threatened with litigation or against whom a lawsuit has been filed alleging patent infringement; or
 - (C) Whose customers have received a demand letter asserting that use of such person's product, service, or technology infringes a patent.

10-1-771.

- (a) A person shall not make a bad faith assertion of patent infringement.
- (b) A court may consider the following factors as evidence that a person has made a bad faith assertion of patent infringement:
 - (1) The demand letter does not contain the following information:
 - (A) The patent number;
 - (B) The name and address of the patent owner or owners and assignee or assignees, if any; and
 - (C) Factual allegations concerning the specific areas in which the target's products, services, and technology infringe the patent or are covered by the claims in the patent;
 - (2) Prior to sending the demand letter, the person fails to conduct an analysis comparing the claims in the patent to the target's products, services, and technology, or such an analysis was done but does not identify specific areas in which the products, services, and technology are covered by the claims in the patent;
 - (3) The demand letter lacks the information described in paragraph (1) of this subsection, the target requests such information, and the author of the demand letter fails to provide such information within a reasonable period of time;

- (4) The demand letter demands payment of a license fee or response within an unreasonably short period of time;
- (5) The person offers to license the patent for an amount that is not based on a reasonable estimate of the value of the patent;
- (6) The claim or assertion of patent infringement is meritless, and the person knew, or should have known, that the claim or assertion is meritless;
- (7) The claim or assertion of patent infringement is deceptive;
- (8) The person or its subsidiaries or affiliates have previously filed or threatened to file one or more lawsuits based on the same or similar claim of patent infringement and;
- (A) Those threats or lawsuits lacked the information described in paragraph (1) of this subsection; or
 - (B) The person attempted to enforce the claim of patent infringement in litigation, and a court found the claim to be meritless; or
- (9) Any other factor the court finds relevant.
- (c) A court may consider the following factors as evidence that a person has not made a bad faith assertion of patent infringement:
 - (1) The demand letter contains the information described in paragraph (1) of subsection (b) of this Code section;
 - (2) Where the demand letter lacks the information described in paragraph (1) of subsection (b) of this Code section and the target requests the information, the author of the demand letter provides the information within a reasonable period of time;
 - (3) The author of the demand letter engages in a good faith effort to establish that the target has infringed the patent and to negotiate an appropriate remedy;
 - (4) The author of the demand letter makes a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent;
 - (5) The author of the demand letter is:
 - (A) The inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or
 - (B) An institution of higher education or a technology transfer organization owned or affiliated with an institution of higher education;
 - (6) The author of the demand letter has:
 - (A) Demonstrated good faith business practices in previous efforts to enforce the patent, or a substantially similar patent; or
 - (B) Successfully enforced the patent, or a substantially similar patent, through litigation; or
 - (7) Any other factor the court finds relevant.

10-1-772.

If proceedings are initiated in a court of competent jurisdiction by the author of a demand letter or the author's agent, principal, client, or employee, a target may move that a bad faith assertion of patent infringement has been made in violation of this

article and request that a protective order be issued as described in this Code section. Upon such motion and a finding by the court that a target has established a reasonable likelihood that an author of a demand letter has made a bad faith assertion of patent infringement, the court shall require the author of the demand letter to post a bond in an amount equal to a good faith estimate of the target's expenses of litigation, including an estimate of reasonable attorney's fees, conditioned upon payment of any amounts finally determined to be due to the target. A hearing shall be held if either party so requests. A bond ordered pursuant to this Code section shall not exceed \$250,000.00. The court may waive the bond requirement if it finds the author of the demand letter has available assets equal to the amount of the proposed bond or for other good cause shown.

10-1-773.

(a) A violation of this article shall constitute an unfair and deceptive act or practice in the conduct of consumer transactions under Part 2 of Article 15 of this chapter, the 'Fair Business Practices Act,' and the enforcement against any such violation shall be by public enforcement by the administrator and shall be enforceable through private action.

(b) Whenever it may appear to the administrator that any person is using or has used any method, act, or practice declared by this article to be unlawful and that proceedings would be in the public interest, the administrator may bring action in a court of competent jurisdiction. Upon a showing by the administrator that a person has violated this article, the court may enter or grant any or all of the relief provided for in Code Section 10-1-397.

(c) Any person who suffers injury or damages as a result of a violation of this article may bring an action individually against the person or persons engaged in such violation under the rules of civil procedure to seek equitable injunctive relief and to recover his or her general and exemplary damages sustained as a consequence thereof in any court having jurisdiction over the defendant. Such relief may include:

- (1) Restitution to any person or persons adversely affected by a defendant's actions in violation of this article;
- (2) Punitive damages in an amount equal to \$50,000.00 or three times the combined total of damages, costs, and fees, whichever is greater;
- (3) Expenses of litigation, including reasonable attorney's fees; and
- (4) Other relief as the court deems just and equitable.

(d) Except as otherwise provided, this article is cumulative with other laws and is not exclusive.

10-1-774.

A demand letter or civil action that includes a claim for relief arising under 35 U.S.C. Section 271(e)(2) or 42 U.S.C. Section 262 shall not be subject to the provisions of this article."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

Representative Williamson of the 115th moved that the House agree to the Senate substitute to HB 809.

On the motion, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abrams | Y Coomer | Y Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | N Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatcher | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| E Beasley-Teague | Y Dollar | Y Hightower | Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Jackson | Y Pezold | Y Tarvin |
| Brockway | Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | E Frazier | Y Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Mabra | Y Scott | Williams, C |
| Y Clark, J | Y Golick | Y Marin | Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the motion, the ayes were 161, nays 1.

The motion prevailed.

HB 774. By Representatives Watson of the 172nd, Roberts of the 155th, Epps of the 144th, Deffenbaugh of the 1st, Williams of the 168th and others:

A BILL to be entitled an Act to amend Title 32 of the O.C.G.A., relating to highways, bridges, and ferries, so as to require the annual submission of a State-wide Strategic Transportation Plan progress report; to provide for an increase to limitations of counties and municipalities for negotiating contracts involving public roads; to amend Title 40 of the O.C.G.A., relating to motor vehicles, so as to remove the requirement of maintaining certain records by the Department of Driver Services; to provide for additional meanings for certain traffic signals; to provide for an exception to the requirement to stop a vehicle when approaching an inoperative traffic signal; to provide for an increase to maximum lawful speed limits; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to require the annual submission of a State-wide Strategic Transportation Plan progress report; to provide for an increase to limitations of counties and municipalities for negotiating contracts involving public roads; to require the submission of at least two estimates prior to the awarding of certain contracts by counties and municipalities; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so as to remove the requirement of maintaining certain records by the Department of Driver Services; to provide for additional meanings for certain traffic signals; to provide for an exception to the requirement to stop a vehicle when approaching an inoperative traffic signal; to provide for an increase to maximum lawful speed limits; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising Code Section 32-2-41.1, relating to the State-wide Strategic Transportation Plan of the Department of Transportation, as follows:

"32-2-41.1.

(a) On or before October 15, 2009, the director shall prepare a report for the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the Senate Transportation Committee and the House Committee on Transportation, respectively, detailing the progress the division has made on preparing a State-wide Strategic Transportation Plan. The director shall deliver a draft of the plan for comments and suggestions by members of the General Assembly and the Governor

on or before December 31, 2009. Comments and suggestions by the House and Senate Transportation Committees of the General Assembly and the Governor shall be submitted to the director no later than February 15, 2010. This plan shall include a list of projects realistically expected to begin construction within the next four years, the cost of such projects, and the source of funds for such projects. The plan shall be developed with consideration of investment policies addressing:

- (1) Growth in private-sector employment, development of work force, and improved access to jobs;
- (2) Reduction in traffic congestion;
- (3) Improved efficiency and reliability of commutes in major metropolitan areas;
- (4) Efficiency of freight, cargo, and goods movement;
- (5) Coordination of transportation investment with development patterns in major metropolitan areas;
- (6) Market driven travel demand management;
- (7) Optimized capital asset management;
- (8) Reduction in accidents resulting in injury and loss of life;
- (9) Border-to-border and interregional connectivity; and
- (10) Support for local connectivity to the state-wide transportation network.

The investment policies provided for in paragraphs (1) through (10) of this subsection shall also guide the development of the allocation formula provided for under Code Section 32-5-27 and shall expire on April 15, 2012, and every four years thereafter unless amended or renewed. The final version of the State-wide Strategic Transportation Plan shall be completed by April 10, 2010, and shall be delivered to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the Senate Transportation Committee and the House Committee on Transportation. A report detailing the progress of projects and programs in the State-wide Strategic Transportation Plan shall be prepared and delivered ~~semiannually~~ annually thereafter, and a revised version shall be prepared and delivered at least biennially thereafter.

(b) The report and plan prepared under subsection (a) of this Code section shall also be published on the website of the department."

SECTION 2.

Said title is further amended by revising subsection (b) of Code Section 32-2-41.2, relating to benchmark development, reports, and value engineering studies, as follows:

"(b) The director shall submit ~~a semiannual~~ an annual report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House and Senate Transportation Committees detailing the progress of every construction project valued at \$10 million or more against the benchmarks. This report shall include an analysis explaining the discrepancies between the benchmarks and actual performance on each project as well as an explanation for delays. This report shall also be published on the website of the department."

SECTION 3.

Said title is further amended by revising Code Section 32-4-63, relating to limitations of a county on the power to contract, as follows:

"32-4-63.

(a) A county is prohibited from negotiating a contract except a contract:

- (1) Involving the expenditure of less than ~~\$20,000.00~~ \$200,000.00;
- (2) With a state agency or county or municipality with which a county is authorized to contract in accordance with the provisions of Code Sections 32-4-61 and 32-4-62;
- (3) For the purchase of those materials, supplies, and equipment necessary for the county's construction and maintenance of its public roads and for the support and maintenance of the county's forces used in such work, as authorized by Chapter 91 of Title 36;
- (4) Subject to Article 6 of Chapter 6 of this title, with a railroad or railway company or a publicly or privately owned utility concerning relocation of its line, tracks, or facilities where the same are not then located in a public road and such relocation or grade-crossing elimination is necessary as an incident to the construction of a new public road or to the reconstruction or maintenance of an existing public road. Nothing contained in this paragraph shall be construed as requiring a county to furnish a site or right of way for railroad or railway lines or tracks of public utility facilities required to be removed from a public road;
- (5) For engineering or other kinds of professional or specialized services;
- (6) For emergency maintenance requiring immediate repairs to a public road, including but not limited to bridge repairs, snow and ice removal, and repairs due to flood conditions; or
- (7) Otherwise expressly authorized by law.

(b) No contract involving an expenditure of more than \$20,000.00 but less than \$200,000.00 shall be awarded under this Code section without the submission of at least two estimates."

SECTION 4.

Said title is further amended by revising Code Section 32-4-113, relating to limitations of a municipality on the power to contract, as follows:

"32-4-113.

(a) A municipality is prohibited from negotiating a contract except a contract:

- (1) Involving the expenditure of less than ~~\$20,000.00~~ \$200,000.00;
- (2) With a state agency or political subdivision as authorized by Code Sections 32-4-111 and 32-4-112;
- (3) With a railroad or railway company or a publicly or privately owned utility as authorized by Article 6 of Chapter 6 of this title;
- (4) For engineering or other kinds of professional or specialized services;
- (5) For emergency maintenance requiring immediate repairs to a public road, including but not limited to bridge repairs, snow and ice removal, and repairs due to flood conditions; or

(6) Otherwise expressly authorized by law.

(b) No contract involving an expenditure of more than \$20,000.00 but less than \$200,000.00 shall be awarded under this Code section without the submission of at least two estimates."

SECTION 5.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended by revising paragraph (3) of subsection (a) of Code Section 40-5-2, relating to records of license applications and information on licenses, as follows:

"(3) Records of all ~~accident reports and~~ abstracts of court records of convictions of any offense listed in subsection (a) of Code Section 40-5-20, subsection (a) of Code Section 40-5-54, Code Section 40-6-10, driving on a suspended license in violation of Code Section 40-5-121, administrative license suspension pursuant to Code Sections 40-5-67 through 40-5-67.2, Code Section 40-5-75, Chapter 9 of this title, the 'Motor Vehicle Safety Responsibility Act,' and Chapter 34 of Title 33, the 'Georgia Motor Vehicle Accident Reparations Act,' any felony offense under this title, any offense committed while operating a commercial motor vehicle, serious traffic offenses, or other offenses requiring the assessment of points on the driving record that are received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee or individual showing the convictions of such licensee or individual and the traffic accidents in which such licensee or individual has been involved shall be readily ascertainable and available for the consideration of the department upon any application for, or application for renewal of, license and at other suitable times. For purposes of issuing a driver's operating record to the public as provided in this Code section, the period of calculation for compilation of such report shall be determined by the date of arrest."

SECTION 6.

Said title is further amended by revising paragraphs (2) and (3) of subsection (a) of Code Section 40-6-21, relating to the meaning of traffic signals, as follows:

"(2) ~~Steady yellow~~ Yellow indications shall have the following meanings:

(A) Traffic, except pedestrians, facing a steady CIRCULAR YELLOW or YELLOW ARROW signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection; ~~and~~

(B) Pedestrians facing a steady CIRCULAR YELLOW or YELLOW ARROW signal, unless otherwise directed by a pedestrian signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown, and no pedestrian shall then start to cross the roadway; and

(C) Traffic, except pedestrians, facing a flashing YELLOW ARROW signal may proceed in the direction of the arrow. Vehicular traffic turning shall yield the right of way to approaching vehicles. Vehicular traffic shall stop and remain stopped to

allow a pedestrian to cross the roadway within a crosswalk when the pedestrian is lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited, when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching and is within one lane of the half of the roadway on which the vehicle is traveling or onto which it is turning. For the purposes of this subparagraph, 'half of the roadway' means all traffic lanes carrying traffic in one direction of travel; and

(3) ~~Steady red~~ Red indications shall have the following meanings:

(A) Traffic, except pedestrians, facing a steady CIRCULAR RED signal alone shall stop at a clearly marked stop line or, if there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, before entering the intersection, and shall remain standing until an indication to proceed is shown, except as provided in subparagraphs (B), (C), and (D) of this paragraph;

(B) Vehicular traffic facing a steady CIRCULAR RED signal may cautiously enter the intersection to make a right turn after stopping as provided in subparagraph (A) of this paragraph. Such vehicular traffic shall stop and remain stopped to allow a pedestrian to cross the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching and is within one lane of the half of the roadway on which the vehicle is traveling or onto which it is turning. For the purposes of this subparagraph, 'half of the roadway' means all traffic lanes carrying traffic in one direction of travel. Vehicular traffic shall yield the right of way to other traffic lawfully using the intersection;

(C) Traffic, except pedestrians, facing a steady CIRCULAR RED signal, after stopping as provided in subparagraph (A) of this paragraph, may make a right turn but shall stop and remain stopped for pedestrians and yield the right of way to other traffic proceeding as directed by the signal at such intersection. Such vehicular traffic shall not make a right turn against a steady CIRCULAR RED signal at any intersection where a sign is erected prohibiting such right turn;

(D) Traffic, except pedestrians, facing a steady CIRCULAR RED signal, after stopping as provided in subparagraph (A) of this paragraph, may make a left turn from the left-hand lane of a one-way street onto a one-way street on which the traffic moves toward the driver's left but shall stop and remain stopped for pedestrians and yield the right of way to other traffic proceeding as directed by the signal at such intersection. Such vehicular traffic shall not make a left turn against a steady CIRCULAR RED signal at any intersection where a sign is erected prohibiting such left turn;

(E) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady CIRCULAR RED signal alone shall not enter the roadway;

(F) Traffic, except pedestrians, facing a steady RED ARROW signal ~~indication~~ may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line or,

if there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, before entering the intersection, and shall remain standing until an indication to make the movement indicated by such arrow is shown; ~~and~~

(G) Unless otherwise directed by a pedestrian signal, pedestrians facing a steady RED ARROW signal ~~indication~~ shall not enter the roadway; ~~and~~

(H) Traffic, except pedestrians, facing a flashing RED ARROW signal, after stopping as provided in subparagraph (A) of this paragraph, may make a right turn but shall stop and remain stopped for pedestrians and yield the right of way to other traffic proceeding as directed by the signal at such intersection."

SECTION 7.

Said title is further amended by revising subsection (a) of Code Section 40-6-70, relating to vehicles approaching or entering an intersection, as follows:

"(a) When two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right, provided that when a vehicle approaches or enters an intersection with no stop signs or other traffic-control devices from a highway that terminates at the intersection, the driver of that vehicle shall yield the right of way to the other vehicle, whether the latter vehicle be on such driver's right or left. When two vehicles approach or enter an intersection with an inoperative traffic light, the driver of each vehicle shall be required to stop in the same manner as if a stop sign were facing in each direction at the intersection. Drivers shall not be required to stop if the traffic signal is properly signed as a pedestrian hybrid beacon or ramp meter and operating in the unactivated dark mode. When a flashing indication is given, the driver shall stop for the flashing red signal and exhibit caution while passing through a flashing yellow indication."

SECTION 8.

Said title is further amended by revising subsection (b) of Code Section 40-6-181, relating to maximum lawful speed limits, as follows:

"(b) Consistent with the provision of engineering and traffic investigations regarding maximum speed limits as provided in Code Section 40-6-182, no person shall drive a vehicle at a speed in excess of the following maximum limits:

(1) Thirty miles per hour in any urban or residential district;

(1.1) Thirty-five miles per hour on an unpaved county road unless designated otherwise by appropriate signs;

(2) Seventy miles per hour on a highway on the federal interstate system and on physically divided highways with full control of access which are outside of an urbanized area of 50,000 population or more, provided that such speed limit is designated by appropriate signs;

- (3) ~~Sixty-five~~ Seventy miles per hour on a highway on the federal interstate system which is inside of an urbanized area of 50,000 population or more, provided that such speed limit is designated by appropriate signs;
- (4) Sixty-five miles per hour on those sections of physically divided highways without full access control on the state highway system, provided that such speed limit is designated by appropriate signs; and
- (5) Fifty-five miles per hour in other locations."

SECTION 9.

All laws and parts of laws in conflict with this Act are repealed.

Representative Watson of the 172nd moved that the House agree to the Senate substitute to HB 774.

On the motion, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abrams | Y Coomer | N Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| N Allison | Y Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | N Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| E Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Holmes | Y O'Neal | Y Stover |
| Y Benton | Y Dukes | Y Holt | Y Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | N Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Jackson | Y Pezold | N Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Y Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | E Frazier | Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | Y Rogers, C | Y Wilkerson |
| Y Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| N Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Y Scott | Williams, C |
| Y Clark, J | Y Golick | Y Marin | Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| N Cooke | Y Greene | Y Mayo | Y Sims, B | Ralston, Speaker |

On the motion, the ayes were 158, nays 7.

The motion prevailed.

HB 60. By Representative Holt of the 112th:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by retired judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, so as to provide an exemption from certain laws regarding the carrying and possession of firearms by certain judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, is amended in subsection (a) by revising paragraph (12) and by adding two new paragraphs to read as follows:

"(12) State and federal ~~trial and appellate~~ judges, judges of probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, and permanent part-time judges of municipal and city courts, ~~and former state trial and appellate judges retired from their respective offices under state retirement~~;

(12.1) Former state and federal judges, judges of probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, and permanent part-time judges of municipal courts who are retired from their respective offices, provided that such judge would otherwise be qualified to be issued a weapons carry license;

(12.2) Former state and federal judges, judges of probate, juvenile, and magistrate courts, full-time judges of municipal and city courts, and permanent part-time judges of municipal courts who are no longer serving in their respective office, provided that he or she served as such judge for more than 24 months and provided, further, that such judge would otherwise be qualified to be issued a weapons carry license;"

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read:

Representative Powell of the 32nd et al. offer the following amendment:

Amend the Senate Judiciary, Non-civil Committee substitute to HB 60 (LC 29 6007S) by replacing lines 1 through 4 with the following:

To amend Code Section 8-3-202, Article 2 of Chapter 3, Article 4 of Chapter 11, and Part 2 of Article 4 of Chapter 12 of Title 16, and Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to unlawful practices in selling or renting dwellings and exceptions, justification and excuse, dangerous instrumentalities and practices, transportation passenger safety, and disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, respectively, so as to change provisions relating to carrying weapons and the issuance of weapons carry licenses; to provide for a short title; to provide that persons who use threats, force, or deadly force in accordance with Code Section 16-3-21, 16-3-23, 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution under Part 3 of Article 4 of Chapter 11 of Title 16; to change provisions relating to carrying weapons in unauthorized locations; to provide for and change definitions; to change provisions relating to carrying weapons within certain school safety zones and at school functions; to change provisions relating to exemptions for carrying weapons within school safety zones; to remove fingerprinting requirements for renewal licenses; to allow persons who have had their weapons carry licenses revoked to be eligible to be license holders under certain circumstances; to prohibit the creation or maintenance of data bases regarding persons issued weapons carry licenses; to provide for verification of weapons carry licenses; to provide an exemption from certain laws regarding the carrying and possession of firearms by certain judges; to provide for local boards of education to authorize personnel to carry weapons within school safety zones under certain circumstances; to provide for the offense of unlawfully carrying a weapon into a secure airport area; to provide for weapons carry licenses to be carried and exhibited on demand; to provide that defense of self or others is an absolute defense to any violation under Part 3 of Article 4 of Chapter 11 and Part 2 of Article 4 of Chapter 12 of Title 16; to change legislative findings; to change provisions relating to preemption of local regulations; to provide for the collection and dissemination of information pertinent to issuing weapons carry licenses; to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to repeal state laws regarding firearms dealers; to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to prohibit certain limitations regarding firearms during a declared state of emergency; to provide for definitions; to change provisions relating to emergency powers of the Governor; to amend Code

Sections 16-5-21, 16-5-24, 16-12-1, 20-2-1180, 20-2-1185, and 43-38-10 of the Official Code of Georgia Annotated, relating to aggravated assault, aggravated battery, contributing to the delinquency, unruliness, or deprivation of a minor, loitering upon school premises or within a school safety zone, school safety plans, and private detectives and security agencies permits to carry firearms, respectively, so as to correct cross-references; to provide for related matters; to repeal conflicting laws; and for other purposes.

By redesignating Sections 1 and 2 as Sections 1-8 and 4-1, respectively.

By inserting between lines 5 and 6 the following:

PART I
SECTION 1-1.

This Act shall be known and may be cited as the "Safe Carry Protection Act."

SECTION 1-2.

Code Section 8-3-202 of the Official Code of Georgia Annotated, relating to unlawful practices in selling or renting dwellings and exceptions, is amended in subsection (a) by striking "or" at the end of subparagraph (a)(6)(C), by replacing the period with "; or" at the end of subparagraph (a)(7)(D), and by adding a new paragraph to read as follows:

"(8) To require, as a condition of tenancy in public housing, any prohibition or restriction of any lawful possession of a firearm within an individual dwelling unless required by federal law or regulation."

SECTION 1-3.

Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification and excuse, is amended by revising Code Section 16-3-24.2, relating to immunity from prosecution and exception, as follows:

"16-3-24.2.

A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23, 16-3-23.1, or 16-3-24 shall be immune from criminal prosecution therefor unless in the use of deadly force, such person utilizes a weapon the carrying or possession of which is unlawful by such person under Part 2 ~~or~~ 3 of Article 4 of Chapter 11 of this title."

SECTION 1-4.

Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, is amended by revising subsection (d) of Code Section 16-11-126, relating to having or carrying handguns, long guns, or other weapons, as follows:

"(d) Any person who is not prohibited by law from possessing a handgun or long gun who is eligible for a weapons carry license may transport a handgun or long gun in any private passenger motor vehicle; provided, however, that private property owners or

persons in legal control of private property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135."

SECTION 1-5.

Said article is further amended by revising Code Section 16-11-127, relating to carrying weapons in unauthorized locations and penalty, as follows:

"16-11-127.

(a) As used in this Code section, the term:

~~(1) 'Bar' means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including, but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.~~

~~(2)~~(1) 'Courthouse' means a building occupied by judicial courts and containing rooms in which judicial proceedings are held.

~~(3)~~(2) 'Government building' means:

(A) The building in which a government entity is housed;

(B) The building where a government entity meets in its official capacity; provided, however, that if such building is not a publicly owned building, such building shall be considered a government building for the purposes of this Code section only during the time such government entity is meeting at such building; or

(C) The portion of any building that is not a publicly owned building that is occupied by a government entity.

~~(4)~~(3) 'Government entity' means an office, agency, authority, department, commission, board, body, division, instrumentality, or institution of the state or any county, municipal corporation, consolidated government, or local board of education within this state.

~~(5)~~(4) 'Parking facility' means real property owned or leased by a government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ that has been designated by such government entity, courthouse, jail, or prison, ~~place of worship, or bar~~ for the parking of motor vehicles at a government building or at such courthouse, jail, or prison, ~~place of worship, or bar~~.

(b) Except as provided in subsection (d) or (e) of this Code section, ~~a~~ A person shall be guilty of carrying a weapon or long gun in an unauthorized location and punished as for a misdemeanor when he or she carries a weapon or long gun while:

(1) In a government building, except as provided in subsection (e) of this Code section;

(2) In a courthouse;

(3) In a jail or prison;

~~(4) In a place of worship;~~

~~(5)~~(4) In a state mental health facility as defined in Code Section 37-1-1 which admits individuals on an involuntary basis for treatment of mental illness, developmental disability, or addictive disease; provided, however, that carrying a weapon or long gun in such location in a manner in compliance with paragraph (3) of subsection (d) of this Code section shall not constitute a violation of this subsection;

~~(6) In a bar, unless the owner of the bar permits the carrying of weapons or long guns by license holders;~~

~~(7)~~(5) On the premises of a nuclear power facility, except as provided in Code Section 16-11-127.2, and the punishment provisions of Code Section 16-11-127.2 shall supersede the punishment provisions of this Code section; or

~~(8)~~(6) Within 150 feet of any polling place, except as provided in subsection (i) of Code Section 21-2-413.

(c) Except as provided in Code Section 16-11-127.1, a license holder or person recognized under subsection (e) of Code Section 16-11-126 shall be authorized to carry a weapon as provided in Code Section 16-11-135 and in every location in this state not listed in subsection (b) or prohibited by subsection (e) of this Code section; provided, however, that private property owners or persons in legal control of private property through a lease, rental agreement, licensing agreement, contract, or any other agreement to control access to such private property shall have the right to ~~forbid~~ exclude or eject a person who is in possession of a weapon or long gun on their private property in accordance with paragraph (3) of subsection (b) of Code Section 16-7-21, except as provided in Code Section 16-11-135. A violation of subsection (b) of this Code section shall not create or give rise to a civil action for damages.

(d) Subsection (b) of this Code section shall not apply:

(1) To the use of weapons or long guns as exhibits in a legal proceeding, provided such weapons or long guns are secured and handled as directed by the personnel providing courtroom security or the judge hearing the case;

(2) To a license holder who approaches security or management personnel upon arrival at a location described in subsection (b) of this Code section and notifies such security or management personnel of the presence of the weapon or long gun and explicitly follows the security or management personnel's direction for removing, securing, storing, or temporarily surrendering such weapon or long gun; and

(3) To a weapon or long gun possessed by a license holder which is under the possessor's control in a motor vehicle or is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle and such vehicle is parked in a parking facility.

(e) A license holder shall be authorized to carry a weapon in a government building when the government building is open for business and where ingress into such building is not restricted or screened by security personnel. A license holder who enters or attempts to enter a government building carrying a weapon where ingress is restricted or screened by security personnel shall be guilty of a misdemeanor if at least one member of such security personnel is certified as a peace officer pursuant to Chapter 8 of Title 35; provided, however, that a license holder who immediately exits

such building or immediately leaves such location upon notification of his or her failure to clear security due to the carrying of a weapon shall not be guilty of violating this subsection or paragraph (1) of subsection (b) of this Code section. A person who is not a license holder and who attempts to enter a government building carrying a weapon shall be guilty of a misdemeanor."

SECTION 1-6.

Said article is further amended by revising subsection (a), paragraphs (1) and (2) of subsection (b), and subsections (c) through (f) of Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at school functions, or on school property, as follows:

"(a) As used in this Code section, the term:

(1) 'Bus or other transportation furnished by a school' means a bus or other transportation furnished by a public or private elementary or secondary school.

(2) 'School function' means a school function or related activity that occurs outside of a school safety zone and is for a public or private elementary or secondary school.

~~(4)~~(3) 'School safety zone' means in or on any real property or building owned by or leased to:

(A) Any ~~any~~ public or private elementary school, secondary school, or school local board of education and used for elementary or secondary education; and in or on the campus of any

(B) Any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

~~(2)~~(4) 'Weapon' means and includes any pistol, revolver, or any weapon designed or intended to propel a missile of any kind, or any dirk, bowie knife, switchblade knife, ballistic knife, any other knife having a blade of two or more inches, straight-edge razor, razor blade, spring stick, knuckles, whether made from metal, thermoplastic, wood, or other similar material, blackjack, any bat, club, or other bludgeon-type weapon, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain, or any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind, and any stun gun or taser as defined in subsection (a) of Code Section 16-11-106. This paragraph excludes any of these instruments used for classroom work authorized by the teacher.

(b)(1) Except as otherwise provided in subsection (c) of this Code section, it shall be unlawful for any person to carry to or to possess or have under such person's control while within a school safety zone or at a ~~school building, school function, or school property~~ or on a bus or other transportation furnished by ~~the~~ a school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any license holder who violates this subsection shall be guilty of a misdemeanor. Any person who is not a license holder who violates this subsection shall be guilty of a felony and, upon conviction thereof, be punished by a fine of not more than \$10,000.00, by imprisonment for not less than two nor more than ten years, or both."

"(c) The provisions of this Code section shall not apply to:

- (1) Baseball bats, hockey sticks, or other sports equipment possessed by competitors for legitimate athletic purposes;
- (2) Participants in organized sport shooting events or firearm training courses;
- (3) Persons participating in military training programs conducted by or on behalf of the armed forces of the United States or the Georgia Department of Defense;
- (4) Persons participating in law enforcement training conducted by a police academy certified by the Georgia Peace Officer Standards and Training Council or by a law enforcement agency of the state or the United States or any political subdivision thereof;
- (5) The following persons, when acting in the performance of their official duties or when en route to or from their official duties:
 - (A) A peace officer as defined by Code Section 35-8-2;
 - (B) A law enforcement officer of the United States government;
 - (C) A prosecuting attorney of this state or of the United States;
 - (D) An employee of the Georgia Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is authorized by the head of such correctional agency or facility to carry a firearm;
 - (E) A person employed as a campus police officer or school security officer who is authorized to carry a weapon in accordance with Chapter 8 of Title 20; and
 - (F) Medical examiners, coroners, and their investigators who are employed by the state or any political subdivision thereof;
- (6) A person who has been authorized in writing by a duly authorized official of ~~the school~~ a public or private elementary or secondary school or a public or private technical school, vocational school, college, university, or other institution of postsecondary education or a local board of education as provided in Code Section 16-11-130.1 to have in such person's possession or use ~~as part of any activity being conducted at a school building, school property, or within a school safety zone, at a school function, or on a bus or other transportation furnished by a school~~ a weapon which would otherwise be prohibited by this Code section. Such authorization shall specify the weapon or weapons which have been authorized and the time period during which the authorization is valid;
- (7) A person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10, when such person carries or picks up a student ~~at a school building, within a school safety zone, at a school function, or school property~~ on a bus or other transportation furnished by the a school or a person who is licensed in accordance with Code Section 16-11-129 or issued a permit pursuant to Code Section 43-38-10 when he or she has any weapon legally kept

within a vehicle when such vehicle is parked ~~at such school property~~ within a school safety zone or is in transit through a designated school safety zone;

(8) A weapon possessed by a license holder which is under the possessor's control in a motor vehicle or which is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student ~~at a school building,~~ within a school safety zone, at a school function, or school property ~~or~~ on a bus or other transportation furnished by ~~the~~ a school, or when such vehicle is used to transport someone to an activity being conducted ~~on school property~~ within a school safety zone which has been authorized by a duly authorized official ~~of the school~~ or local board of education as provided by paragraph (6) of this subsection; provided, however, that this exception shall not apply to a student attending ~~such a~~ public or private elementary or secondary school;

(9) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract;

(10) Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon;

(11) The Attorney General and those members of his or her staff whom he or she specifically authorizes in writing to carry a weapon;

(12) Probation supervisors employed by and under the authority of the Department of Corrections pursuant to Article 2 of Chapter 8 of Title 42, known as the 'State-wide Probation Act,' when specifically designated and authorized in writing by the director of the Division of Probation;

(13) Public safety directors of municipal corporations;

(14) State and federal trial and appellate judges;

(15) United States attorneys and assistant United States attorneys;

(16) Clerks of the superior courts;

(17) Teachers and other ~~school~~ personnel who are otherwise authorized to possess or carry weapons, provided that any such weapon is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle; or

(18) Constables of any county of this state.

(d)(1) This Code section shall not prohibit any person who resides or works in a business or is in the ordinary course transacting lawful business or any person who is a visitor of such resident located within a school safety zone from carrying, possessing, or having under such person's control a weapon within a school safety zone; provided, however, that it shall be unlawful for any such person to carry, possess, or have under such person's control while at a school building or school function or on school property, ~~a school bus,~~ a bus or other transportation furnished

by ~~the~~ a school any weapon or explosive compound, other than fireworks the possession of which is regulated by Chapter 10 of Title 25.

(2) Any person who violates this subsection shall be subject to the penalties specified in subsection (b) of this Code section.

~~(3) This subsection shall not be construed to waive or alter any legal requirement for possession of weapons or firearms otherwise required by law.~~

(e) It shall be no defense to a prosecution for a violation of this Code section that:

(1) School was or was not in session at the time of the offense;

(2) The real property was being used for other purposes besides school purposes at the time of the offense; or

(3) The offense took place on a bus or other transportation furnished by a school vehicle.

(f) In a prosecution under this Code section, a map produced or reproduced by any municipal or county agency or department for the purpose of depicting the location and boundaries of the area of the real property of a school board or a private or public elementary or secondary school that is used for school purposes or the area of any ~~campus of any~~ public or private technical school, vocational school, college, university, or other institution of postsecondary education, or a true copy of the map, shall, if certified as a true copy by the custodian of the record, be admissible and shall constitute prima-facie evidence of the location and boundaries of the area, if the governing body of the municipality or county has approved the map as an official record of the location and boundaries of the area. A map approved under this Code section may be revised from time to time by the governing body of the municipality or county. The original of every map approved or revised under this subsection or a true copy of such original map shall be filed with the municipality or county and shall be maintained as an official record of the municipality or county. This subsection shall not preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense. This subsection shall not preclude the use or admissibility of a map or diagram other than the one which has been approved by the municipality or county."

SECTION 1-7.

Said article is further amended by revising Code Section 16-11-129, relating to license to carry weapons, as follows:

"16-11-129.

(a) **Application for weapons carry license or renewal license; term.** The judge of the probate court of each county may, on application under oath and on payment of a fee of \$30.00, issue a weapons carry license or renewal license valid for a period of five years to any person whose domicile is in that county or who is on active duty with the United States armed forces and who is not a domiciliary of this state but who either resides in that county or on a military reservation located in whole or in part in that county at the time of such application. Such license or renewal license shall authorize that person to carry any weapon in any county of this state notwithstanding any change

in that person's county of residence or state of domicile. Applicants shall submit the application for a weapons carry license or renewal license to the judge of the probate court on forms prescribed and furnished free of charge to persons wishing to apply for the license or renewal license. An applicant who is not a United States citizen shall provide sufficient personal identifying data, including without limitation his or her place of birth and United States issued alien or admission number, as the Georgia Bureau of Investigation may prescribe by rule or regulation. An applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y). Forms shall be designed to elicit information from the applicant pertinent to his or her eligibility under this Code section, including citizenship, but shall not require data which is nonpertinent or irrelevant, such as serial numbers or other identification capable of being used as a de facto registration of firearms owned by the applicant. The Department of Public Safety shall furnish application forms and license forms required by this Code section. The forms shall be furnished to each judge of each probate court within ~~the~~ this state at no cost.

(b) Licensing exceptions.

(1) As used in this subsection, the term:

(A) 'Controlled substance' means any drug, substance, or immediate precursor included in the definition of controlled substances in paragraph (4) of Code Section 16-13-21.

(B) 'Convicted' means ~~a plea of guilty or a finding of guilt by a court of competent jurisdiction or the acceptance of a plea of nolo contendere, irrespective of the pendency or availability of an appeal or an application for collateral relief an adjudication of guilt.~~ Such term shall not include an order of discharge and exoneration pursuant to Article 3 of Chapter 8 of Title 42.

(C) 'Dangerous drug' means any drug defined as such in Code Section 16-13-71.

(2) No weapons carry license shall be issued to:

(A) Any person ~~under~~ younger than 21 years of age unless he or she:

(i) Is at least 18 years of age;

(ii) Provides proof that he or she has completed basic training in the armed forces of the United States; and

(iii) Provides proof that he or she is actively serving in the armed forces of the United States or has been honorably discharged from such service;

(B) Any person who has been convicted of a felony by a court of this state or any other state; by a court of the United States, including its territories, possessions, and dominions; or by a court of any foreign nation and has not been pardoned for such felony by the President of the United States, the State Board of Pardons and Paroles, or the person or agency empowered to grant pardons under the constitution or laws of such state or nation;

(C) Any person against whom proceedings are pending for any felony;

(D) Any person who is a fugitive from justice;

(E) Any person who is prohibited from possessing or shipping a firearm in interstate commerce pursuant to subsections (g) and (n) of 18 U.S.C. Section 922;

(F) Any person who has been convicted of an offense arising out of the unlawful manufacture or distribution of a controlled substance or other dangerous drug;

(G) Any person who has had his or her weapons carry license revoked pursuant to subsection (e) of this Code section within three years of the date of his or her application;

(H) Any person who has been convicted of any of the following:

(i) ~~Pointing a gun or a pistol at another in violation of Code Section 16-11-102;~~

~~(ii)~~ Carrying a weapon without a weapons carry license in violation of Code Section 16-11-126; or

~~(iii)~~(ii) Carrying a weapon or long gun in an unauthorized location in violation of Code Section 16-11-127

and has not been free of all restraint or supervision in connection therewith and free of any other conviction for at least five years immediately preceding the date of the application;

(I) Any person who has been convicted of any misdemeanor involving the use or possession of a controlled substance and has not been free of all restraint or supervision in connection therewith or free of:

(i) A second conviction of any misdemeanor involving the use or possession of a controlled substance; or

(ii) Any conviction under subparagraphs (E) through (G) of this paragraph for at least five years immediately preceding the date of the application; ~~or~~

(J) Except as provided for in subsection (b.1) of this Code section, any ~~Any~~ person who has been hospitalized as an inpatient in any mental hospital or alcohol or drug treatment center within the five years immediately preceding the application. The judge of the probate court may require any applicant to sign a waiver authorizing any mental hospital or treatment center to inform the judge whether or not the applicant has been an inpatient in any such facility in the last five years and authorizing the superintendent of such facility to make to the judge a recommendation regarding whether the applicant is a threat to the safety of others and whether a license to carry a weapon should be issued. When such a waiver is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Behavioral Health and Developmental Disabilities, which the judge shall remit to the hospital, center, or department. The judge shall keep any such hospitalization or treatment information confidential. It shall be at the discretion of the judge, considering the circumstances surrounding the hospitalization and the recommendation of the superintendent of the hospital or treatment center where the individual was a patient, to issue the weapons carry license or renewal license;

(K) Except as provided for in subsection (b.1) of this Code section, any person who has been adjudicated mentally incompetent to stand trial; or

(L) Except as provided for in subsection (b.1) of this Code section, any person who has been adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of Article 6 of Chapter 7 of Title 17.

~~(3) If first offender treatment without adjudication of guilt for a conviction contained in subparagraph (F) or (I) of paragraph (2) of this subsection was entered and such sentence was successfully completed and such person has not had any other conviction since the completion of such sentence and for at least five years immediately preceding the date of the application, he or she shall be eligible for a weapons carry license provided that no other license exception applies.~~

(b.1) Petitions for relief from certain licensing exceptions.

(1) Persons provided for under subparagraphs (b)(2)(J), (b)(2)(K), and (b)(2)(L) of this Code section may petition the court in which such adjudication, hospitalization, or treatment proceedings, if any, under Chapter 3 or 7 of Title 37 occurred for relief. A copy of such petition for relief shall be served as notice upon the opposing civil party or the prosecuting attorney for the state, as the case may be, or their successors, who appeared in the underlying case. Within 30 days of the receipt of such petition, such court shall hold a hearing on such petition for relief. Such prosecuting attorney for the state may represent the interests of the state at such hearing.

(2) At the hearing provided for under paragraph (1) of this subsection, the court shall receive and consider evidence in a closed proceeding concerning:

(A) The circumstances which caused the person to be subject to subparagraph (b)(2)(J), (b)(2)(K), or (b)(2)(L) of this Code section;

(B) The person's mental health and criminal history records, if any. The judge of such court may require any such person to sign a waiver authorizing the superintendent of any mental hospital or treatment center to make to the judge a recommendation regarding whether such person is a threat to the safety of others. When such a waiver is required by the judge, the applicant shall pay a fee of \$3.00 for reimbursement of the cost of making such a report by the mental health hospital, alcohol or drug treatment center, or the Department of Behavioral Health and Developmental Disabilities, which the judge shall remit to the hospital, center, or department;

(C) The person's reputation which shall be established through character witness statements, testimony, or other character evidence; and

(D) Changes in the person's condition or circumstances since such adjudication, hospitalization, or treatment proceedings under Chapter 3 or 7 of Title 37.

The judge shall issue an order of his or her decision no later than 30 days after the hearing.

(3) The court shall grant the petition for relief if such court finds by a preponderance of the evidence that the person will not likely act in a manner dangerous to public safety in carrying a weapon and that granting the relief will not be contrary to the public interest. A record shall be kept of the hearing; provided, however, that such records shall remain confidential and be disclosed only to a court or to the parties in

the event of an appeal. Any appeal of the court's ruling on the petition for relief shall be de novo review.

(4) If the court grants such person's petition for relief, the applicable subparagraph (b)(2)(J), (b)(2)(K), or (b)(2)(L) of this Code section shall not apply to such person in his or her application for a weapons carry license or renewal; provided, however, that such person shall comply with all other requirements for the issuance of a weapons carry license or renewal license. The clerk of such court shall report such order to the Georgia Crime Information Center immediately, but in no case later than ten business days after the date of such order.

(5) A person may petition for relief under this subsection not more than once every two years. In the case of a person who has been hospitalized as an inpatient, such person shall not petition for relief prior to being discharged from such treatment.

(c) **Fingerprinting.** ~~Following completion of the application for a weapons carry license or the renewal of a license, the judge of the probate court shall require the applicant to proceed to an appropriate law enforcement agency in the county or to any vendor approved by the Georgia Bureau of Investigation for fingerprint submission services with the completed application. The appropriate local law enforcement agency in each county shall then so that such agency or vendor can capture the fingerprints of the applicant for a weapons carry license or renewal license and place the name of the applicant on the blank license form. The appropriate local law enforcement agency shall place the fingerprint on a blank license form which has been furnished to the law enforcement agency by the judge of the probate court if a fingerprint is required to be furnished by subsection (f) of this Code section. The law enforcement agency shall be entitled to a fee of \$5.00 from the applicant for its services in connection with the fingerprinting and processing of an application. Fingerprinting shall not be required for applicants seeking temporary renewal licenses or renewal licenses.~~

(d) **Investigation of applicant; issuance of weapons carry license; renewal.**

(1) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within five business days following the receipt of the application or request direct the law enforcement agency to request a fingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the applicant and return an appropriate report to the judge of the probate court. Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime Information Center and under standards adopted by the Federal Bureau of Investigation. The Georgia Bureau of Investigation may charge such fee as is necessary to cover the cost of the records search.

(2) For both weapons carry license applications and requests for license renewals, the judge of the probate court shall within five business days following the receipt of the application or request also direct the law enforcement agency to conduct a background check using the Federal Bureau of Investigation's National Instant Criminal Background Check System and return an appropriate report to the probate judge.

(3) When a person who is not a United States citizen applies for a weapons carry license or renewal of a license under this Code section, the judge of the probate court shall direct the law enforcement agency to conduct a search of the records maintained by United States Immigration and Customs Enforcement and return an appropriate report to the probate judge. As a condition to the issuance of a license or the renewal of a license, an applicant who is in nonimmigrant status shall provide proof of his or her qualifications for an exception to the federal firearm prohibition pursuant to 18 U.S.C. Section 922(y).

(4) The law enforcement agency shall report to the judge of the probate court within 30 days, by telephone and in writing, of any findings relating to the applicant which may bear on his or her eligibility for a weapons carry license or renewal license under the terms of this Code section. When no derogatory information is found on the applicant bearing on his or her eligibility to obtain a license or renewal license, a report shall not be required. The law enforcement agency shall return the application ~~and the blank license form with the fingerprint thereon~~ directly to the judge of the probate court within such time period. Not later than ten days after the judge of the probate court receives the report from the law enforcement agency concerning the suitability of the applicant for a license, the judge of the probate court shall issue such applicant a license or renewal license to carry any weapon unless facts establishing ineligibility have been reported or unless the judge determines such applicant has not met all the qualifications, is not of good moral character, or has failed to comply with any of the requirements contained in this Code section. The judge of the probate court shall date stamp the report from the law enforcement agency to show the date on which the report was received by the judge of the probate court.

(e) **Revocation, loss, or damage to license.** If, at any time during the period for which the weapons carry license was issued, the judge of the probate court of the county in which the license was issued shall learn or have brought to his or her attention in any manner any reasonable ground to believe the licensee is not eligible to retain the license, the judge may, after notice and hearing, revoke the license of the person upon a finding that such person is not eligible for a weapons carry license pursuant to subsection (b) of this Code section or an adjudication of falsification of application, mental incompetency, or chronic alcohol or narcotic usage. It shall be unlawful for any person to possess a license which has been revoked, and any person found in possession of any such revoked license, except in the performance of his or her official duties, shall be guilty of a misdemeanor. ~~It shall be required that any license holder under this Code section have in his or her possession his or her valid license whenever he or she is carrying a weapon under the authority granted by this Code section, and his or her failure to do so shall be prima facie evidence of a violation of Code Section 16-11-126.~~ Loss of any license issued in accordance with this Code section or damage to the license in any manner which shall render it illegible shall be reported to the judge of the probate court of the county in which it was issued within 48 hours of the time the loss or damage becomes known to the license holder. The judge of the probate court shall thereupon issue a replacement for and shall take custody of and destroy a damaged

license; and in any case in which a license has been lost, he or she shall issue a cancellation order and notify by telephone and in writing each of the law enforcement agencies whose records were checked before issuance of the original license. The judge shall charge the fee specified in subsection (k) of Code Section 15-9-60 for such services.

(f)(1) **Weapons carry license specifications.** ~~Weapons carry licenses issued as prescribed in this Code section shall be printed on durable but lightweight card stock, and the completed card shall be laminated in plastic to improve its wearing qualities and to inhibit alterations. Measurements shall be 3 1/4 inches long and 2 1/4 inches wide. Each shall be serially numbered within the county of issuance and shall bear the full name, residential address, birth date, weight, height, color of eyes, and sex of the licensee. The license shall show the date of issuance, the expiration date, and the probate court in which issued and shall be signed by the licensee and bear the signature or facsimile thereof of the judge. The seal of the court shall be placed on the face before the license is laminated. Licenses issued on and before December 31, 2011, shall bear a clear print of the licensee's right index finger; however, if the right index fingerprint cannot be secured for any reason, the print of another finger may be used but such print shall be marked to identify the finger from which the print is taken prior to January 1, 2012, shall be in the format specified by the former provisions of this paragraph as they existed on June 30, 2013.~~

(2)(A) On and after January 1, 2012, newly issued or renewal weapons carry licenses shall incorporate overt and covert security features which shall be blended with the personal data printed on the license to form a significant barrier to imitation, replication, and duplication. There shall be a minimum of three different ultraviolet colors used to enhance the security of the license incorporating variable data, color shifting characteristics, and front edge only perimeter visibility. The weapons carry license shall have a color photograph viewable under ambient light on both the front and back of the license. The license shall incorporate custom optical variable devices featuring the great seal of the State of Georgia as well as matching demetalized optical variable devices viewable under ambient light from the front and back of the license incorporating microtext and unique alphanumeric serialization specific to the license holder. The license shall be of similar material, size, and thickness of a credit card and have a holographic laminate to secure and protect the license for the duration of the license period.

~~(B)~~(3) Using the physical characteristics of the license set forth in ~~subparagraph (A) of this paragraph~~ (2) of this subsection, The Council of Probate Court Judges of Georgia shall create specifications for the probate courts so that all weapons carry licenses in this state shall be uniform and so that probate courts can petition the Department of Administrative Services to purchase the equipment and supplies necessary for producing such licenses. The department shall follow the competitive bidding procedure set forth in Code Section 50-5-102.

(g) **Alteration or counterfeiting of license; penalty.** A person who deliberately alters or counterfeits a weapons carry license or who possesses an altered or counterfeit

weapons carry license with the intent to misrepresent any information contained in such license shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for a period of not less than one nor more than five years.

(h) **Licenses for former law enforcement officers.** Except as otherwise provided in Code Section 16-11-130, any person who has served as a law enforcement officer for at least ten of the 12 years immediately preceding the retirement of such person as a law enforcement officer shall be entitled to be issued a weapons carry license as provided for in this Code section without the payment of any of the fees provided for in this Code section. Such person shall comply with all the other provisions of this Code section relative to the issuance of such licenses. As used in this subsection, the term 'law enforcement officer' means any peace officer who is employed by the United States government or by the State of Georgia or any political subdivision thereof and who is required by the terms of his or her employment, whether by election or appointment, to give his or her full time to the preservation of public order or the protection of life and property or the prevention of crime. Such term shall include conservation rangers.

(i) **Temporary renewal licenses.**

(1) Any person who holds a weapons carry license under this Code section may, at the time he or she applies for a renewal of the license, also apply for a temporary renewal license if less than 90 days remain before expiration of the license he or she then holds or if the previous license has expired within the last 30 days.

(2) Unless the judge of the probate court knows or is made aware of any fact which would make the applicant ineligible for a five-year renewal license, the judge shall at the time of application issue a temporary renewal license to the applicant.

(3) Such a temporary renewal license shall be in the form of a paper receipt indicating the date on which the court received the renewal application and shall show the name, address, sex, age, and race of the applicant and that the temporary renewal license expires 90 days from the date of issue.

(4) During its period of validity the temporary renewal ~~permit~~ license, if carried on or about the holder's person together with the holder's previous license, shall be valid in the same manner and for the same purposes as a five-year license.

(5) A \$1.00 fee shall be charged by the probate court for issuance of a temporary renewal license.

(6) A temporary renewal license may be revoked in the same manner as a five-year license.

(j) **Applicant may seek relief.** When an eligible applicant fails to receive a license, temporary ~~permit~~ renewal license, or renewal license within the time period required by this Code section and the application or request has been properly filed, the applicant may bring an action in mandamus or other legal proceeding in order to obtain a license, temporary renewal license, or renewal license. When an applicant is otherwise denied a license, temporary renewal license, or renewal license and contends that he or she is qualified to be issued a license, temporary renewal license, or renewal license, the applicant may bring an action in mandamus or other legal proceeding in order to obtain

such license. Additionally, the applicant may request a hearing before the judge of the probate court relative to the applicant's fitness to be issued such license. Upon the issuance of a denial, the judge of the probate court shall inform the applicant of his or her rights pursuant to this subsection. If such applicant is the prevailing party, he or she shall be entitled to recover his or her costs in such action, including reasonable attorney's fees.

(k) **Data base prohibition.** A person or entity shall not create or maintain a multijurisdictional data base of information regarding persons issued weapons carry licenses.

(l) **Verification of license.** The judge of a probate court or his or her designee shall be authorized to verify the legitimacy and validity of a weapons carry license to a license holder, pursuant to a subpoena or court order, or for public safety purposes, but shall not be authorized to provide any further information regarding license holders."

By replacing lines 7 through 9 with the following:

Said article is further amended in Code Section 16-11-130, relating to exemptions from Code Sections 16-11-126 through 16-11-127.2, by revising paragraph (12) of subsection (a) and by adding two new paragraphs to read as follows:

By inserting between lines 22 and 23 the following:

SECTION 1-9.

Said article is further amended by adding two new Code sections to read as follows:

"16-11-130.1.

(a) As used in this Code section, the term:

(1) 'Bus or other transportation furnished by a school' means a bus or other transportation furnished by a public or private elementary or secondary school.

(2) 'School function' means a school function or related activity that occurs outside of a school safety zone for a public or private elementary or secondary school.

(3) 'School safety zone' means in or on any real property or building owned by or leased to any public or private elementary or secondary school or local board of education and used for elementary or secondary education.

(4) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

(b) This Code section shall not be construed to require or otherwise mandate that any local board of education or school administrator adopt or implement a practice or program for the approval of personnel to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school nor shall this Code section create any liability for adopting or declining to adopt such practice or program. Such decision shall rest with each individual local board of education. If a local board of education adopts a policy to allow certain personnel to possess or carry weapons as provided in paragraph (6) of subsection (c) of Code Section 16-11-127.1, such policy shall include approval of personnel to possess or carry weapons and provide for:

- (1) Training of approved personnel prior to authorizing such personnel to carry weapons. The training shall at a minimum include training on judgment pistol shooting, marksmanship, and a review of current laws relating to the use of force for the defense of self and others; provided, however, that the local board of education training policy may substitute for certain training requirements the personnel's prior military or law enforcement service if the approved personnel has previously served as a certified law enforcement officer or has had military service which involved similar weapons training;
 - (2) An approved list of the types of weapons and ammunition and the quantity of weapons and ammunition authorized to be possessed or carried;
 - (3) The exclusion from approval of any personnel who has had an employment or other history indicating any type of mental or emotional instability as determined by the local board of education; and
 - (4) A mandatory method of securing weapons which shall include at a minimum a requirement that the weapon, if permitted to be carried concealed by personnel, shall be carried on the person and not in a purse, briefcase, bag, or similar other accessory which is not secured on the body of the person and, if maintained separate from the person, shall be maintained in a secured lock safe or similar lock box that cannot be easily accessed by students.
- (c) Any personnel selected to possess or carry weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be a license holder, and the local board of education shall be responsible for conducting a criminal history background check of such personnel annually to determine whether such personnel remains qualified to be a license holder.
- (d) The selection of approved personnel to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be done strictly on a voluntary basis. No personnel shall be required to possess or carry a weapon within a school safety zone, at a school function, or on a bus or other transportation furnished by a school and shall not be terminated or otherwise retaliated against for refusing to possess or carry a weapon.
- (e) The local board of education shall be responsible for any costs associated with approving personnel to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school; provided, however, that nothing contained in this Code section shall prohibit any approved personnel from paying for part or all of such costs or using any other funding mechanism available, including donations or grants from private persons or entities.
- (f) Documents and meetings pertaining to personnel approved to carry or possess weapons within a school safety zone, at a school function, or on a bus or other transportation furnished by a school shall be considered employment and public safety security records and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

16-11-130.2.

(a) No person shall enter the restricted access area of a commercial service airport, in or beyond the airport security screening checkpoint, knowingly possessing or knowingly having under his or her control a weapon or long gun. Such area shall not include an airport drive, general parking area, walkway, or shops and areas of the terminal that are outside the screening checkpoint and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that weapons are prohibited in such area.

(b) A person who is not a license holder and who violates this Code section shall be guilty of a misdemeanor. A license holder who violates this Code section shall be guilty of a misdemeanor; provided, however, that a license holder who is notified at the screening checkpoint for the restricted access area that he or she is in possession of a weapon or long gun and who immediately leaves the restricted access area following such notification shall not be guilty of violating this Code section.

(c) Any person who violates this Code section with the intent to commit a separate felony offense shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than \$1,000.00 nor more than \$15,000.00, imprisonment for not less than one nor more than ten years, or both.

(d) Any ordinance, resolution, regulation, or policy of any county, municipality, or other political subdivision of this state which is in conflict with this Code section shall be null, void, and of no force and effect, and this Code section shall preempt any such ordinance, resolution, regulation, or policy."

SECTION 1-10.

Said article is further amended by adding two new Code sections to read as follows:

"16-11-137.

(a) Every license holder shall have his or her valid weapons carry license in his or her immediate possession at all times when carrying a weapon, or if such person is exempt from having a weapons carry license pursuant to Code Section 16-11-130 or subsection (c) of Code Section 16-11-127.1, he or she shall have proof of his or her exemption in his or her immediate possession at all times when carrying a weapon, and his or her failure to do so shall be prima-facie evidence of a violation of the applicable provision of Code Sections 16-11-126 through 16-11-127.2.

(b) A person carrying a weapon shall not be subject to detention for the sole purpose of investigating whether such person has a weapons carry license.

(c) A person convicted of a violation of this Code section shall be fined not more than \$10.00 if he or she produces in court his or her weapons carry license, provided that it was valid at the time of his or her arrest, or produces proof of his or her exemption.

16-11-138.

Defense of self or others, as contemplated by and provided for under Article 2 of Chapter 3 of Title 16, shall be an absolute defense to any violation under this part."

SECTION 1-11.

Said article is further amended by revising Code Section 16-11-173, relating to legislative findings and preemption of local regulation and lawsuits, as follows:

"16-11-173.

(a)(1) It is declared by the General Assembly that the regulation of firearms and other weapons is properly an issue of general, state-wide concern.

(2) The General Assembly further declares that the lawful design, marketing, manufacture, and sale of firearms and ammunition and other weapons to the public is not unreasonably dangerous activity and does not constitute a nuisance per se.

(b)(1) Except as provided in subsection (c) of this Code section, no ~~No~~ county or municipal corporation, by zoning or by ordinance, or resolution, or other enactment, ~~nor any agency, board, department, commission, or authority of this state, other than the General Assembly, by rule or regulation shall regulate in any manner:~~

(A) Gun gun shows;

(B) The the possession, ownership, transport, carrying, transfer, sale, purchase, licensing, or registration of firearms or other weapons or components of firearms or other weapons;

(C) Firearms dealers or dealers of other weapons ~~firearms-dealers;~~ or

(D) Dealers in dealers-in-firearms components of firearms or other weapons.

(2) The authority to bring suit and right to recover against any weapons, firearms, or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit created by or pursuant to an Act of the General Assembly or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of weapons, firearms, or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a weapons, firearms, or ammunition manufacturer or dealer for breach of contract or express warranty as to weapons, firearms, or ammunition purchased by the political subdivision or local government authority.

(c)(1) A county or municipal corporation may regulate the transport, carrying, or possession of firearms by employees of the local unit of government in the course of their employment with such local unit of government; provided, however, that the sheriff or chief of police shall be solely responsible for regulating and determining the possession, carrying, and transportation of firearms and other weapons by employees under his or her respective supervision so long as such regulations comport with state and federal law.

(2) The commanding officer of any law enforcement agency shall regulate and determine the possession, carrying, and transportation of firearms and other weapons by employees under his or her supervision so long as such regulations comport with state and federal law.

(3) The district attorney, and the solicitor-general in counties where there is a state court, shall regulate and determine the possession, carrying, and transportation of

firearms and other weapons by county employees under his or her supervision so long as such regulations comport with state and federal law.

(d) Nothing contained in this Code section shall prohibit municipalities or counties, by ordinance, or resolution, or other enactment, from requiring the ownership of guns by heads of households within the political subdivision.

(e) Nothing contained in this Code section shall prohibit municipalities or counties, by ordinance, or resolution, or other enactment, from reasonably limiting or prohibiting the discharge of firearms within the boundaries of the municipal corporation or county.

(f) As used in this Code section, the term 'weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

(g) Any person aggrieved as a result of a violation of this Code section may bring an action against the person who caused such aggrievement. The aggrieved person shall be entitled to reasonable attorney's fees and expenses of litigation and may recover or obtain against the person who caused such damages any of the following:

(1) Actual damages or \$100.00, whichever is greater;

(2) Equitable relief, including, but not limited to, an injunction or restitution of money and property; and

(3) Any other relief which the court deems proper."

SECTION 1-12.

Part 2 of Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to transportation passenger safety, is amended by adding a new Code section to read as follows:

"16-12-129.

Defense of self or others, as contemplated by and provided for under Article 2 of Chapter 3 of Title 16, shall be an absolute defense to any violation under this part."

SECTION 1-13.

Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to disclosure and dissemination of criminal records to private persons and businesses, resulting responsibility and liability of issuing center, and provision of certain information to the FBI in conjunction with the National Instant Criminal Background Check System, is amended in subsection (e) by adding a new paragraph to read as follows:

"(3)(A) The records of the center shall include information as to whether a person has been involuntarily hospitalized. In order to carry out the provisions of Code Section 16-11-129, the center shall be provided such information and no other mental health information from the records of the probate and superior courts ordering persons to be involuntarily hospitalized. With respect to probate court records, such information shall be provided in a manner agreed upon by the Probate Judges Training Council and the bureau. With respect to superior court records, such information shall be provided in a manner agreed upon by The Council of Superior Court Clerks of Georgia and the bureau. Such records shall be provided in a manner so as to preserve the confidentiality of patients' rights in all other respects.

(B) In order to carry out the provisions of Code Section 16-11-129, the center shall be provided information as to whether a person has been adjudicated mentally incompetent to stand trial or has been found not guilty by reason of insanity at the time of the crime. The clerk of court shall report such information to the center immediately but in no case later than ten days after such adjudication of mental incompetence or finding of not guilty by reason of insanity."

SECTION 1-14.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by repealing Chapter 16, relating to firearms dealers, and designating said chapter as reserved.

PART II

SECTION 2-1.

This part shall be known to be in honor of Representative Bobby Franklin.

SECTION 2-2.

Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, is amended by adding a new Code section to read as follows:

"38-3-37.

(a) As used in this Code section, the term:

(1) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge.

(2) 'License holder' shall have the same meaning as set forth in Code Section 16-11-125.1.

(3) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-125.1.

(b) No official or employee of the state or any political subdivision thereof, member of the National Guard in the service of the state, or any person operating pursuant to or under color of state law, while acting during or pursuant to a declared state of emergency, shall:

(1) Temporarily or permanently seize, or authorize the seizure of, any firearm or ammunition or any component thereof the possession of which was not prohibited by law at the time immediately prior to the declaration of a state of emergency, other than as provided by the criminal or forfeiture laws of this state;

(2) Prohibit possession of any firearm or ammunition or any component thereof or promulgate any rule, regulation, or order prohibiting possession of any firearm or ammunition or any component thereof if such possession was not otherwise prohibited by law at the time immediately prior to the declaration of a state of emergency;

(3) Prohibit any license holder from carrying any weapon or promulgate any rule, regulation, or order prohibiting such carrying if such carrying was not otherwise

prohibited by law at the time immediately prior to the declaration of a state of emergency; or

(4) Require the registration of any firearm."

SECTION 2-3.

Said chapter is further amended by revising paragraph (8) of subsection (d) of Code Section 38-3-51, relating to emergency powers of the Governor, as follows:

"(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, ~~firearms, explosives, and or combustibles~~; provided, however, that ~~any limitation on firearms under this Code section shall not include an individual firearm owned by a private citizen which was legal and owned by that citizen prior to the declaration of state of emergency or disaster or thereafter acquired in compliance with all applicable laws of this state and the United States for purposes of this paragraph, the terms 'explosives' and 'combustibles' shall not include firearms or ammunition or any component thereof; and"~~

PART III

SECTION 3-1.

Code Section 16-5-21 of the Official Code of Georgia Annotated, relating to aggravated assault, is amended by revising subsection (i) as follows:

"(i) Any person who commits the offense of aggravated assault involving the use of a firearm upon a student or teacher or other school personnel within a school safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years."

SECTION 3-2.

Code Section 16-5-24 of the Official Code of Georgia Annotated, relating to aggravated battery, is amended by revising subsection (g) as follows:

"(g) Any person who commits the offense of aggravated battery upon a student or teacher or other school personnel within a school safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years."

SECTION 3-3.

Code Section 16-12-1 of the Official Code of Georgia Annotated, relating to contributing to the delinquency, unruliness, or deprivation of a minor, is amended by revising paragraph (5) of subsection (b) as follows:

"(5) Knowingly and willfully provides to a minor any weapon as defined in ~~paragraph (2) of subsection (a) of~~ Code Section 16-11-127.1 or any weapon as defined in Code Section 16-11-121 to commit any felony which encompasses force or violence as an element of the offense or delinquent act which would constitute a

felony which encompasses force or violence as an element of the offense if committed by an adult; or"

SECTION 3-4.

Code Section 20-2-1180 of the Official Code of Georgia Annotated, relating to loitering upon school premises or within a school safety zone, is amended by revising subsection (a) as follows:

"(a) It shall be unlawful for any person to remain upon the premises or within the school safety zone as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1 of any public or private school in this state or to remain upon such premises or within such school safety zone when that person does not have a legitimate cause or need to be present thereon. Each principal or designee of each public or private school in this state shall have the authority to exercise such control over the buildings and grounds upon which a school is located so as to prohibit any person who does not have a legitimate need or cause to be present thereon from loitering upon such premises. Each principal or designee of each public or private school in this state shall notify the appropriate law enforcement agency to prohibit any person who does not have a legitimate need or cause to be present therein from loitering within the school safety zone."

SECTION 3-5.

Code Section 20-2-1185 of the Official Code of Georgia Annotated, relating to school safety plans, is amended by revising subsection (c) as follows:

"(c) School safety plans prepared by public schools shall address security issues in school safety zones as defined in ~~paragraph (1) of subsection (a) of~~ Code Section 16-11-127.1. School safety plans should also address security issues involving the transportation of pupils to and from school and school functions when such transportation is furnished by the school or school system and school functions held during noninstructional hours."

SECTION 3-6.

Code Section 43-38-10 of the Official Code of Georgia Annotated, relating to private detectives and security agencies permits to carry firearms, is amended by revising subsection (a) as follows:

"(a) The board may grant a permit to carry a pistol, revolver, or other firearm to any person who ~~is at least 21 years of age and~~ is a license holder as defined in Code Section 16-11-125.1, who is licensed or registered in accordance with this chapter, and who meets the qualifications and training requirements set forth in this Code section and such other qualifications and training requirements as the board by rule may establish. The board shall have the authority to establish limits on type and caliber of such weapons by rule. Application for such permit and for renewal thereof shall be made on forms provided by the division director. No weapons permit issued under this Code section shall be transferable to another individual."

PART IV

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| N Abrams | Y Coomer | Y Gregory | Y McCall | N Sims, C |
| N Alexander | Y Cooper | Y Hamilton | N McClain | N Smith, E |
| Y Allison | N Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| N Anderson | Y Deffenbaugh | Y Harden | N Mitchell | N Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Morgan | N Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | N Henson | N Mosby | N Stephens, M |
| E Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| N Bell | N Douglas | Y Hitchens | Y Nix | N Stephenson |
| N Bennett | N Drenner | N Holcomb | N Oliver | N Stovall |
| N Bentley | Y Dudgeon | Holmes | Y O'Neal | Y Stover |
| Y Benton | N Dukes | Y Holt | Pak | Y Strickland |
| N Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | N Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | N Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | N Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| N Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Bruce | N Epps, C | Y Jones, J | N Prince | Y Teasley |
| Y Bryant | Y Epps, J | N Jones, L | Y Pruett | N Thomas, A.M. |
| N Buckner | N Evans | N Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | N Jordan | Y Ramsey | N Waites |
| Y Caldwell, J | Floyd | N Kaiser | N Randall | Y Watson, B |
| Y Caldwell, M | N Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | E Frazier | N Kendrick | Y Riley | Y Welch |
| Y Carter | N Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | N Fullerton | Y Kirby | Y Rogers, C | N Wilkerson |
| Chandler | N Gardner | Y Knight | Y Rogers, T | N Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | N Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | N Williams, A |
| Y Cheokas | Y Glanton | N Mabra | N Scott | Williams, C |
| Y Clark, J | Y Golick | N Marin | Setzler | N Williams, E |
| Y Clark, V | N Gordon | Y Martin | N Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | N Mayo | Y Sims, B | Ralston, Speaker |

On the adoption of the amendment, the ayes were 109, nays 55.

The amendment was adopted.

Representative Powell of the 32nd moved that the House agree to the Senate substitute, as amended by the House, to HB 60.

On the motion, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| N Abrams | Y Coomer | Y Gregory | Y McCall | N Sims, C |
| N Alexander | Y Cooper | Y Hamilton | N McClain | N Smith, E |
| Y Allison | N Dawkins-Haigler | Y Harbin | Y Meadows | E Smith, L |
| N Anderson | Y Deffenbaugh | Y Harden | N Mitchell | N Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | Y Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatcher | Morgan | N Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | Y Spencer |
| Y Battles | Y Dickson | Henson | N Mosby | N Stephens, M |
| E Beasley-Teague | Y Dollar | Y Hightower | Y Nimmer | Y Stephens, R |
| N Bell | N Douglas | Y Hitchens | Y Nix | N Stephenson |
| N Bennett | N Drenner | N Holcomb | N Oliver | N Stovall |
| N Bentley | Y Dudgeon | Holmes | Y O'Neal | Y Stover |
| Y Benton | N Dukes | Y Holt | Pak | Y Strickland |
| N Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | N Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | N Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efratation | N Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Y Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| N Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Bruce | N Epps, C | Y Jones, J | N Prince | Y Teasley |
| Y Bryant | Y Epps, J | N Jones, L | Y Pruett | N Thomas, A.M. |
| N Buckner | N Evans | N Jones, S | Y Quick | Y Turner |
| Y Burns | Y Fleming | N Jordan | Y Ramsey | N Waites |
| Y Caldwell, J | Floyd | N Kaiser | N Randall | Y Watson, B |
| Y Caldwell, M | N Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | E Frazier | N Kendrick | Y Riley | Y Welch |
| Y Carter | N Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | N Fullerton | Y Kirby | Y Rogers, C | N Wilkerson |
| Chandler | N Gardner | Y Knight | Y Rogers, T | N Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | N Willard |
| Y Chapman | Y Geisinger | Y Lumsden | Y Rynders | N Williams, A |
| Cheokas | Y Glanton | N Mabra | N Scott | Williams, C |
| Y Clark, J | Y Golick | N Marin | Setzler | N Williams, E |
| Y Clark, V | N Gordon | Y Martin | N Sharper | Y Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | N Mayo | Y Sims, B | Ralston, Speaker |

On the motion, the ayes were 108, nays 54.

The motion prevailed.

Representative Roberts of the 155th asked unanimous consent that HB 60 be immediately transmitted to the Senate.

It was so ordered.

HB 494. By Representatives Welch of the 110th, Cheokas of the 138th and Pruett of the 149th:

A BILL to be entitled an Act to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to provide

for the installation of safety markers on utility lines to provide for adequate visual warning in the use of private airstrips; to provide for definitions; to provide for the powers, authority, and duties of the Department of Transportation; to provide for a schedule of installation fees; to impose a penalty; to provide an appeal process; to provide for the promulgation of rules and regulations by the department; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following Senate amendments were read:

Senate Amendment #1

The Senate offers the following amendment:

Amend the substitute to HB 494 (LC 39 0445S) by deleting line 7 and inserting in lieu thereof the following:

immunity; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

By deleting lines 26 and 27 and inserting in lieu thereof the following:

statutory overnight delivery, return receipt requested, to an owner of an appurtenant utility line requesting the installation of safety markers. Such notice shall be accompanied by a check or money order in the amount of \$100.00 made payable to the owner of the appurtenant utility line for the work to be performed by the owner of the appurtenant utility line under paragraphs (1) and (2) of this subsection. Within 90 days of the owner of an

By deleting lines 52 and 53 and inserting in lieu thereof the following:

construed to prohibit the owner of the private airstrip from sending written notice pursuant to subsection (b) of this Code section to the same owner of an appurtenant utility line in any subsequent calendar year so long as the owner of the private airstrip does not exceed one written notice to the same owner of an appurtenant utility line in any calendar year.

By deleting lines 59 and 60 and inserting in lieu thereof the following:

extensions of time not to exceed 90 days total upon a showing that the need for an extension is the result of force majeure, grid reliability, work scheduling conflicts, or the lack of market supply of the requisite safety markers and other necessary equipment.

By deleting line 92 and inserting in lieu thereof the following:

promulgation of rules and regulations to establish installation fee schedules based on utility best practices.

(h) An owner of a private airstrip shall have immunity from any civil liability that would otherwise be incurred or imposed as a result of taking or failing to take any action pursuant to this Code section. This Code section shall not be construed as imposing any additional duty on an owner of a private airstrip which is not already otherwise imposed by law."

By replacing "2013" with "2014" at the end of line 96.

Senate Amendment #2

The Senate offers the following amendment:

Amend HB 494 (LC 39 0445S) by inserting after "department;" on line 6 the following:
to amend Code Section 51-3-21 of the Official Code of Georgia Annotated, relating to definitions used in limiting liability of certain property owners, so as to revise the definition of recreational purposes to include aviation activities;

By redesignating Sections 2 and 3 as Sections 3 and 4, respectively, and by inserting between lines 92 and 93 the following:

SECTION 2.

Code Section 51-3-21 of the Official Code of Georgia Annotated, relating to definitions used in limiting liability of certain property owners, is amended by revising paragraph (4) as follows:

"(4) 'Recreational purpose' includes, but is not limited to, any of the following or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, aviation activities, nature study, water skiing, winter sports, and viewing or enjoying historical, archeological, scenic, or scientific sites."

Representative Welch of the 110th moved that the House agree to the Senate amendments to HB 494.

On the motion, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|------------|---------------|
| Y Abrams | Coomer | N Gregory | Y McCall | Y Sims, C |
| Y Alexander | Y Cooper | Y Hamilton | Y McClain | Y Smith, E |
| Y Allison | Y Dawkins-Haigler | Harbin | Y Meadows | E Smith, L |
| Y Anderson | Y Deffenbaugh | Y Harden | Y Mitchell | Y Smith, M |
| Y Atwood | Y Dempsey | Y Harrell | N Moore | Y Smith, R |
| Y Ballinger | E Dickerson | Y Hatchett | Y Morgan | Y Smyre |
| Y Barr | Y Dickey | Y Hawkins | Y Morris | N Spencer |
| Y Battles | Y Dickson | Y Henson | Y Mosby | Y Stephens, M |
| E Beasley-Teague | N Dollar | Y Hightower | Nimmer | Y Stephens, R |
| Y Bell | Y Douglas | Y Hitchens | Y Nix | Y Stephenson |
| Y Bennett | Y Drenner | Y Holcomb | Y Oliver | Y Stovall |
| Y Bentley | Y Dudgeon | Holmes | Y O'Neal | Y Stover |

| | | | | |
|---------------|--------------|------------|-------------|------------------|
| Y Benton | Y Dukes | Holt | Pak | Y Strickland |
| Y Beverly | Y Dunahoo | Y Houston | Y Parrish | Y Talton |
| Y Black | Y Duncan | Y Howard | Y Parsons | Y Tankersley |
| Y Braddock | Y Dutton | Y Hugley | Y Peake | Y Tanner |
| Y Broadrick | Y Efstration | Y Jackson | Y Pezold | Y Tarvin |
| Y Brockway | Ehrhart | Y Jacobs | Y Powell, A | Y Taylor, D |
| Y Brooks | Y England | E Jasperse | Y Powell, J | Y Taylor, T |
| Y Bruce | Y Epps, C | Jones, J | Y Prince | Y Teasley |
| Y Bryant | Y Epps, J | Y Jones, L | Y Pruett | Y Thomas, A.M. |
| Y Buckner | Y Evans | Y Jones, S | Y Quick | N Turner |
| Y Burns | Y Fleming | Y Jordan | Y Ramsey | Y Waites |
| Y Caldwell, J | Y Floyd | Y Kaiser | Y Randall | Y Watson, B |
| Y Caldwell, M | Y Fludd | Y Kelley | Y Rice | Y Watson, S |
| Y Carson | E Frazier | Kendrick | Y Riley | Y Welch |
| Y Carter | Y Frye | Y Kidd | Y Roberts | E Weldon |
| Y Casas | Y Fullerton | Y Kirby | N Rogers, C | Y Wilkerson |
| Chandler | Y Gardner | Y Knight | Y Rogers, T | Y Wilkinson |
| Y Channell | Y Gasaway | E Lindsey | Y Rutledge | Y Willard |
| N Chapman | Y Geisinger | Y Lumsden | Y Rynders | Y Williams, A |
| Y Cheokas | Y Glanton | Y Mabra | Scott | Williams, C |
| Y Clark, J | Y Golick | Y Marin | Y Setzler | Y Williams, E |
| Y Clark, V | Y Gordon | Y Martin | Y Sharper | Williamson |
| Y Coleman | Y Gravley | Y Maxwell | Y Shaw | Y Yates |
| Y Cooke | Y Greene | Y Mayo | Sims, B | Ralston, Speaker |

On the motion, the ayes were 151, nays 7.

The motion prevailed.

HB 786. By Representatives Knight of the 130th, Burns of the 159th and Roberts of the 155th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, or fishing licenses, permits, and stamps generally, so as to add a Type I nonresident infant lifetime sportsman's license; to clarify fees for replacement licenses; to correct a cross-reference; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate amendments were read:

Senate Amendment #1

The Senate offers the following amendment:

Amend HB 786 by replacing lines 49-53 with the following:

- “ (A) A voter registration card;
- (B) A copy of the prior year’s Georgia income tax return;
- (C) A current Georgia automobile registration; or
- (D) A warranty deed to property at the same address as is displayed on the Georgia driver’s license.”

Senate Amendment #2

The Senate offers the following amendment:

Amend HB 786 by replacing line 48 with "Department of Driver Services and at least one of the following:

Representative Knight of the 130th moved that the House disagree to the Senate amendments to HB 786.

The motion prevailed.

Representative Meadows of the 5th moved that the following Bill of the Senate be withdrawn from the General Calendar and recommitted to the Committee on Rules:

SB 213. By Senators Tolleson of the 20th, Sims of the 12th, Burke of the 11th, Hill of the 4th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, the "Flint River Drought Protection Act," so as to clarify legislative intent; to revise definitions; to expand programs and provide for completion of new studies; to provide for additional powers of the director; to provide for new irrigation efficiency requirements; to provide for participation in augmented flow programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative Martin of the 49th District, Chairman of the Committee on Budget and Fiscal Affairs Oversight, submitted the following report:

Mr. Speaker:

Your Committee on Budget and Fiscal Affairs Oversight has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 343 Do Pass, by Substitute

Respectfully submitted,
/s/ Martin of the 49th
Chairman

Representative Burns of the 159th District, Chairman of the Committee on Game, Fish and Parks, submitted the following report:

Mr. Speaker:

Your Committee on Game, Fish and Parks has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 322 Do Pass

Respectfully submitted,
/s/ Burns of the 159th
Chairman

Representative Rogers of the 29th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

Your Committee on Higher Education has had under consideration the following Bills and Resolution of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HR 1722 Do Pass
SB 241 Do Pass
SB 326 Do Pass

Respectfully submitted,
/s/ Rogers of the 29th
Chairman

Representative Smith of the 134th District, Chairman of the Committee on Insurance, submitted the following report:

Mr. Speaker:

Your Committee on Insurance has had under consideration the following Bills of the Senate and has instructed me to report the same back to the House with the following recommendations:

| | |
|--------|------------------------|
| SB 98 | Do Pass, by Substitute |
| SB 281 | Do Pass |

Respectfully submitted,
/s/ Smith of the 134th
Chairman

Representative Willard of the 51st District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary has had under consideration the following Bills and Resolution of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

| | |
|---------|------------------------|
| HR 1655 | Do Pass |
| SB 350 | Do Pass, by Substitute |
| SB 386 | Do Pass, by Substitute |

Respectfully submitted,
/s/ Willard of the 51st
Chairman

Representative Golick of the 40th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

| | |
|--------|------------------------|
| SB 187 | Do Pass, by Substitute |
|--------|------------------------|

Respectfully submitted,
/s/ Golick of the 40th
Chairman

Representative Rice of the 95th District, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

Your Committee on Motor Vehicles has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 392 Do Pass

Respectfully submitted,
/s/ Rice of the 95th
Chairman

Representative Roberts of the 155th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation has had under consideration the following Resolution of the Senate and has instructed me to report the same back to the House with the following recommendation:

SR 937 Do Pass, by Substitute

Respectfully submitted,
/s/ Roberts of the 155th
Chairman

Representative Black of the 174th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.